



**TEXAS TECH UNIVERSITY  
HEALTH SCIENCES CENTER EL PASO**

**Institutional  
Student  
Handbook: Code  
of Professional  
and Academic  
Conduct  
2017-2018**

**Paul L. Foster School of Medicine  
Gayle Greve Hunt School of Nursing  
Graduate School of Biomedical  
Sciences**

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## STATEMENT OF ACCREDITATION

Texas Tech University Health Sciences Center is accredited by the Southern Association of Colleges and Schools Commission on Colleges to award baccalaureate, masters, doctoral, and professional degrees. Texas Tech University Health Sciences Center El Paso is a part of Texas Tech University Health Sciences Center and is currently seeking separate accreditation by the Southern Association of Colleges and Schools Commission on Colleges. Contact the Commission on Colleges at 1866 Southern Lane, Decatur, Georgia 30033-4097 or call 404-679-4500 for questions about the accreditation of Texas Tech University Health Sciences Center.

## PART I. FOREWORD

### A. General Policy

1. The mission of Texas Tech University Health Sciences Center at El Paso is to improve the lives of people in our State and our community by focusing on the unique health care needs of socially and culturally diverse border populations through excellence in integrated education, research, and patient care.

The following institutional goals are broad, measurable priorities that will enable TTUHSC El Paso to fulfill its mission:

- Train competent health professionals and scientists
  - Increase externally funded, peer-reviewed research, especially NIH-funded research, with an emphasis on cancer, infectious disease, neuropsychiatric disorders and diabetes.
  - Improve access to quality health care for TTUHSC El Paso's target populations
  - Prepare health professions students for an increasingly diverse workforce and patient population
  - Provide leadership in the development of partnerships and collaborations to improve community health
  - Operate TTUHSC El Paso as an efficient and effective institution
2. A University, like any community, must have regulations and/or standards by which its members abide and procedures by which its components function. The standards should provide order and an atmosphere conducive to intellectual and personal development. This Student Handbook, the TTUHSC EL PASO Operating Policies and Procedures, and the individual School's catalogs are intended to serve these purposes in the interest of all components of the Texas Tech University Health Sciences Center El Paso.
  3. The University has a responsibility to maintain order within the University community and to discipline those who violate its standards, rules and/or policies. Enrollment requires students to share this responsibility. Students agree to abide by the standards, rules and/or policies set forth in this Student Handbook, the TTUHSC EL PASO Operating Policies and Procedures, and the individual Schools' catalogs and any other official University publications. Registered student organizations are required to follow all of these standards, rules and policies.
  4. ***The Texas Tech University Health Sciences Center El Paso (TTUHSC EL PASO or the University) reserves the right to change, modify, amend, or rescind, in whole or in part, this Handbook at any time without prior notice. This Handbook supersedes all previous editions. The provisions of this Handbook do not constitute a contract, expressed or implied, between any student or faculty member and Texas Tech University System, TTUHSC EL PASO, Paul L. Foster School of Medicine, Gayle Greve Hunt School of Nursing or the Graduate School of Biomedical Sciences.***



## **B. Tobacco-Free Environment**

1. According to the United States Surgeon General, tobacco use is the single largest preventable cause of premature death and disability. Tobacco users are at substantially increased risk for a number of cancers, cardiovascular disease, and lung disease. Environmental smoke can cause discomfort and disease in non-smokers. Institutions with smokers suffer from lost productivity, conflict, and plant deterioration (HSCEP OP 10.19).
2. As a health care institution, TTUHSC El Paso is committed to the establishment and enforcement of a healthier tobacco-free environment. TTUHSC El Paso OP 10.19, Tobacco- Free Environment Policy, includes regulation and assessment.

## **C. Authority**

1. The authority to enact and enforce regulations of the University is vested in the Texas Tech University System Board of Regents. The responsibility for enforcing regulations and imposing penalties is delegated to the Chancellor and/or the President of the University and any University officials the President designates.
2. All references to the Chancellor and/or President of the University, the Vice President of Academic Affairs or Assistant Vice President for Student Services or designee shall be interpreted to include persons designated to act on behalf of these officials.

## **D. Policy on Non-Discrimination**

The University brings together, in common pursuit of its educational goals, persons of many backgrounds and experiences. The University is committed to the principle that in no aspect of its programs shall there be differences in the treatment of persons because of race, color, religion, national origin, age, sex, disability, genetic information, status as a protected veteran, or any other legally protected category class or characteristic, and that equal opportunity and access to facilities shall be available to all. Non-discrimination is observed in the admission, , and education of students and in policies governing discipline, extracurricular life and activities. For more information, visit [http://el Paso.ttuhs c.edu/opp/\\_documents/51/op5101.pdf](http://el Paso.ttuhs c.edu/opp/_documents/51/op5101.pdf), Equal Employment Opportunity Policy and Affirmative Action Plan.

## **E. University Name, Documents, and Records**

The use by any person or organization of the University's name in connection with any program or activity, without the prior written permission of the Office of the Vice Chancellor for Institutional Advancement or designee, or any unauthorized use of University documents, records or seal is prohibited. See TTUHSC EP OP 67.01, at [http://el Paso.ttuhs c.edu/opp/\\_documents/67/op6701.pdf](http://el Paso.ttuhs c.edu/opp/_documents/67/op6701.pdf) *Publication Guidelines*.

## F. Definitions

1. "Accused Student" means any student accused of violating the TTUHSC EL PASO Code of Professional Conduct set forth in Part II of this Handbook. This term may also mean an accused registered student organization. If a registered student organization is alleged to have violated the Student Code, only one student from the organization may appear or act on behalf of the student organization (such as appearing before a Student Conduct Board or Student Conduct Administrator) for purposes of the Student Code.
2. "Business day" means a day in which the University normally carries on business or business operations, but excludes weekends and official University holidays.
3. "Complainant" means a member of the University community who submits a Complaint alleging that a student violated the Student Code. When a student believes that he or she has been a victim of another student's misconduct, the student who believes that he or she has been a victim will have the same rights under the Student Code as are provided to the Complainant, even if the victim is not acting as a Complainant.
4. "Complaint of Misconduct" or "Complaint" means a formal, written charge against a student(s) or student organization(s) alleging violation(s) of the Student Code(s). The form for a Complaint of Misconduct is attached to this Handbook as Attachment A. An anonymous report or a report by a person who is not a member of the University community shall not constitute a Complaint of Misconduct. However, such report may initiate an investigation and/or filing of a Complaint of Misconduct by an appropriate University official.
5. Conduct Board reference F. Definitions, pg. 9, item # 22.
6. "Disciplinary good standing" is defined as relating to a student not currently on disciplinary probation; or, a student, whose disciplinary suspension, expulsion or conditions and/or restrictions imposed, if any, have been totally fulfilled in a timely manner.
7. "Faculty member" means any person hired by the University to conduct classroom or teaching activities or who is otherwise considered by University to be a member of its faculty.
8. "Flag" means the indicator placed on a student's official record which may prevent registration and/or the issuance of a transcript until the student meets the requirements of the University office placing the indicator, as described herein and in the Schools' catalogs.
9. "May" is used in the permissive sense.

10. "Member of the University community" means any person who is a volunteer including high school students, an enrolled student, faculty or staff member, University official, any other person employed by the University or campus visitors.
11. "Policy" means the written regulations, standards and/or rules of the University as found in, but not limited to, the TTUHSC El Paso Student Handbook; Gayle Greve Hunt School of Nursing handbook and catalog; Paul L. Foster School of Medicine catalog; the Graduate School of Biomedical Sciences Catalog; and/or the TTUHSC El Paso web page and computer use policies.
12. "Department Chair" means the Chair is charged primarily with mentoring and guiding faculty, overseeing Department administrative support, and serving as an interface between faculty and the administration of the School and Texas Tech University Health Sciences Center El Paso (TTUHSC El Paso). Matters of student misconduct and academic deficiency that are addressed from faculty/program directors etc. are referred to the Department Chair, and if not resolved referred to the appropriate student conduct administrator for each school.
13. "Registered student organization" means any number of students who have complied with the formal requirements for University registration.
14. "Religious holy day" means a holy day observed by a religion whose places of worship are exempt from property taxation under Section 11.20, Vernon's Texas Codes Annotated, Tax Code. The term "Religious Holy Day" generally means a day on which the tenets of said religion prohibit class attendance or the completion of specific assignments on designated dates. See Tex. Gov't Code § 62.112.
15. "Representative" means a University official authorized on a case-by-case basis by the Dean of each School to investigate and resolve alleged violations of the Code of Professional and Academic Conduct.
16. "School" means Gayle Greve Hunt School of Nursing, Paul L. Foster School of Medicine, or Graduate School of Biomedical Sciences.
17. "Shall" is used in the imperative sense.
18. "Sponsorship and/or co-sponsorship" is defined as minimally including, but not limited to, participation in planning, coordination and implementation directed by members of the sponsoring organizations.
19. "Student" means all persons taking courses at the University, either full-time or part-time, pursuing undergraduate, graduate or professional studies, specifically excluding Paul L. Foster School of Medicine House staff (residents). In addition, for purposes of Part II of this Handbook, persons who withdraw or on a leave of absence after alleging violating the Code, who are not officially enrolled for a particular term but who have a continuing relationship with the University, or who

have been notified of their acceptance may be considered “students.”

20. “Student Code” means the TTUHSC El Paso Code of Professional Conduct, which is set forth in Part II of this Handbook. Section D, Misconduct, applies to all students, while Section E, Other Professional and Ethical Standards, applies to students in certain TTUHSC El Paso Schools. A student must have applied for admission or be enrolled in the applicable School before a School’s provisions in Section E apply to the student.
21. “Student Conduct Administrator” means a TTUHSC El Paso official authorized by the Dean of each School to receive complaints and administer the procedures outlined herein. The Student Conduct Administrator will provide technical assistance and support to the Student Conduct Board and may be present at the Student Conduct Board Hearing, but will not be present during the Board’s deliberations. In any case in which the Student Conduct Administrator is the Complainant, the Dean or designee of the applicable School will appoint an alternate to serve as Student Conduct Administrator for that case. For each School at TTUHSC El Paso, the Assistant Vice President for Student Services will serve as the Student Conduct Administrator.
22. “Student Conduct Board” or “Board” means any person or persons authorized by the Dean of each School to determine whether a student has violated the Student Code and to recommend sanctions that may be imposed when a rules violation has been committed. All persons serving on the Student Conduct Board must acknowledge an ability to be able to serve objectively and shall decline to serve if there is a conflict of interest or an appearance of a conflict of interest with either the Accused Student or the Complainant. When a person declines to serve because of a conflict of interest, or appearance thereof, the Dean shall appoint another person with the same or similar faculty/student status as the person declining to serve. For each School, appointments are made as follows:
  - a. For the Graduate School of Biomedical Sciences, the Student Conduct Board shall be appointed by the Student Conduct Administrator as follows:
    - i. One (1) Faculty member from the membership of the Graduate Council, who shall serve as Chair;
    - ii. Two (2) other faculty members from the membership of the Graduate Faculty; and,
    - iii. Two (2) graduate students from the School.
  - b. For the Gayle Greve Hunt School of Nursing, the Student Conduct Board shall be appointed by the Student Conduct Administrator as follows:
    - i. Three (3) ( faculty members not directly involved with the Complainant or the Accused Student; and,
    - ii. Two (2) students not directly involved with the Complainant or the Accused Student.
    - iii. The Board will elect one (1) of the faculty members as its Chair

- c. For the Paul L. Foster School of Medicine, the Student Conduct Board shall be appointed by the Student Conduct Administrator as follows:
  - iv. Two (2) faculty members chosen by the Chair of the Grievance Committee or designee;
  - v. One (1) faculty member chosen by the Chair of the Student Affairs Committee or designee; and,
  - vi. Two (2) medical students, who will be chosen by the Chair of the Student Affairs Committee from a list of second, third, and fourth year students.
  - vii. The Board will elect one (1) of the faculty members as its Chair.
- 23. “Student Conduct Board Hearing” or “Hearing” refers to an administrative process whereby a student contests the facts upon which charges of inappropriate conduct, violations of the Student Code and/or sanctions resulting from an alleged violation(s) are based. At the hearing, information is presented to the Student Conduct Board in order to determine whether a student’s responsibility related to the alleged violation of the Student Code is valid and appropriate sanctions, if any.
- 24. “Student Handbook” or “Handbook” means the TTUHSC El Paso Student Handbook.
- 25. “Student organization” means any number of students who have complied with the formal requirements for Texas Tech University Health Sciences Center El Paso registration.
- 26. “University” means Texas Tech University System or Texas Tech University Health Sciences Center El Paso (inclusive of all regional sites and their components).
- 27. “University official” means any person employed by Texas Tech University System, Texas Tech University or Texas Tech University Health Sciences Center El Paso while performing their assigned administrative or professional responsibilities.
- 28. “University premises” includes all land, buildings, facilities and other property in the possession of or owned, used, or controlled by the University (including adjacent streets and sidewalks).
- 29. “User” means any member of the University community who uses any University computing and/or networking resources.
- 30. “Will” is used in the imperative sense.

## **PART II. CODE OF PROFESSIONAL CONDUCT (“STUDENT CODE”)**

### **A. General Policy**

1. An environment in which the privileges of citizenship are protected and the obligations of citizenship are understood fosters freedom of discussion, inquiry, and expression. Accordingly, the University community has developed standards of behavior pertaining to students and to student organizations.
2. Students and student organizations are subject to disciplinary action according to the provisions of the Student Code and/or any other applicable University rules or regulations.
3. Each student is responsible to become familiar with the various regulations of the University and meet the various requirements outlined below. Written policies are described in University publications such as this Handbook and the Schools’ individual catalogs and student affairs handbooks. Each student, in accepting admission, indicates a willingness to subscribe to and be governed by the rules and regulations of University officials to take such disciplinary action, including dismissal or expulsion, as may be deemed appropriate for failure to abide by such rules and regulations.
4. Each student is responsible for his/her own integrity, and is likewise responsible for reporting possible violations of this Student Code by other students. Faculty and staff shall take all reasonable steps to prevent violations, and each faculty/staff member likewise is responsible for reporting violations.

### **B. Disciplinary Jurisdiction**

1. The Student Code shall apply to conduct that occurs on University premises, at University sponsored activities, and to off-campus conduct that adversely affects the University and/or pursuit of its objectives. On a case-by-case basis, the Dean and his/her designee of each respective School, in his or her sole discretion, shall determine whether the Student Code should be applied to conduct occurring off premises.
2. All students are expected to subscribe to an honor system which is implicit in accepting admission to the University. Each student shall be responsible for his/her conduct from the time of the application for admission through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment. The Student Code shall apply to persons who withdraw after alleged violation of the Code, who are not officially enrolled for a particular term but who have a continuing relationship with the University, or who have been notified of their acceptance.

### **C. Violation of Law and TTUHSC El Paso Discipline**

A disciplinary proceeding may be instituted against a student regardless of whether

conduct allegedly violates both the criminal and/or civil law and/or this Student Code (that is, if both possible violations result from the same factual situation) without regard to the pendency of civil or criminal litigation in court or criminal arrest or prosecution.

Proceedings under this Student Code may be carried out prior to, simultaneously with, or following civil and/or criminal proceedings at the discretion of the Dean of each School. Determinations made or sanctions imposed under the Student Code shall not be subject to change because criminal charges arising out of the same facts giving rise to violation of University rules were dismissed, reduced, or resolved in favor of or against the criminal and/or civil law defendant.

#### **D. Misconduct**

Any student or student organization found to have committed the following misconduct is subject to disciplinary sanction(s), condition(s) and/or restriction(s). Misconduct or prohibited behavior includes, but is not limited to:

##### 1. Alcoholic Beverages

- a. The use, possession, sale, delivery or distribution of alcoholic beverages, except as expressly permitted by University policy as allowed by law.
- b. Being under the influence of alcohol and/or intoxication except as allowed by law.

*NOTE: State law will be strictly enforced at all times on all property controlled by the University and is inclusive of all regional sites and its components.*

##### 2. Narcotics or Drugs

- a. Use, possession, sale, delivery or distribution of any narcotic, drug or medicine prescribed to someone else, chemical compound or other controlled substance or drug-related paraphernalia, except as expressly permitted by the laws of the State of Texas; or,
- b. Being under the influence of narcotics or drugs, except as permitted by law.
- c. The failure of a drug test whether required by TTUHSC El Paso or any health care facility to which a student is assigned or has any type of patient care, contact or responsibility.

##### 3. Firearms, Weapons, and Explosives

- a. Use or possession of firearms, ammunition, explosive weapons, illegal knives and other deadly weapons are prohibited on university property except as specifically authorized by federal, state, or local laws.
- b. Campus Carry Policy, TTUHSC El Paso OP 10.30  
As a health-related educational institution, TTUHSC El Paso facilitates a



complex composition of activities, which include education, patient care, research, and community engagement. As such TTUHSC El Paso campuses must accommodate the unique needs of diverse stakeholders, including patients, learners of all types, faculty, staff, contractors, and visitors. Within the context of this unique and complex composition, TTUHSC El Paso is committed to the following principles for the campus environment:

- i. TTUHSC El Paso will comply with all necessary laws and regulatory requirements regarding safety and security on its campuses;
- ii. Within reasonable effort, TTUHSC El Paso will create an environments in which all stakeholders can conduct their business with a sense of personal and collective safety and security;
- iii. TTUHSC El Paso will communicate safety policies to stakeholders through all appropriate means.

#### 4. Theft, Damage, or Unauthorized Use

- a. Attempted or actual theft of property of the University, students, of members of the University community or campus visitors;
- b. Possession of property known to be stolen or belonging to another person without the owner's permission;
- c. Attempted or actual damage to property of the University, University students, members of the University community or campus visitors; or,
- d. Attempted or actual unauthorized use of a credit card, debit card, automated teller machine card, telephone card and/or personal check; alteration, forgery or misrepresentation of any form of identification including, but not limited to, a social security number or driver's license number.

#### 5. Actions Against Members of the University Community

- a. Physical harm or threat of harm to any person;
- b. Intentional or reckless conduct which endangers the health or safety of any person, campus visitor, or volunteer;
- c. Behavior that disrupts the normal operation of the University, including its students, faculty, staff or volunteers; or conduct that otherwise interferes with or creates a hostile or intimidating environment for a student or students' academic pursuits or a faculty or staff's work environment. Such conduct does not necessarily have to be in violation of the law to violate this section.
- d. Sexual conduct that involves:



- i. Deliberate touching of another's sexual parts without consent;
  - ii. Deliberate sexual invasion of another without consent; or,
  - iii. Deliberate constraint or incapacitation of another, without that person's knowledge or consent, so as to put another at risk of sexual injury; see Part IV Anti-discrimination and Title IX.
- e. Unwelcomed sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature that expressly or implicitly imposes conditions upon, threatens, interferes with, or creates an intimidating, hostile or demeaning environment for an individual's:
- i. Academic pursuits;
  - ii. University employment;
  - iii. Participation in activities sponsored by the University or organizations or groups related to the University; or,
  - iv. Opportunities to benefit from other aspects of University life; see Part IV Anti-discrimination and Title IX.
- f. Excessive pressure, threats, or any form of conduct, coercive tactics or mind control techniques used to recruit, initiate, retain or otherwise intimidate a student for membership in an organization.
- g. Actions involving free expression activities are covered in Parts VII and VIII of this Handbook.

## 6. Gambling, Wagering, or Bookmaking

Gambling, wagering, or bookmaking on University premises is prohibited.

## 7. Hazing

Hazing means any intentional, knowing or reckless act directed against a student, occurring on or off campus, by one or more individuals acting alone or collectively, that endangers the mental or physical health or safety of a student for the purpose of pledging or associating, being initiated into, affiliating with, holding office in, seeking and/or maintaining membership in any organization whose members are, or include, students. Consent or acquiescence by a student or students subjected to hazing is not a defense in a disciplinary proceeding. Hazing includes, but is not limited to:

- a. Any type of physical or emotional brutality, or the threat of such activity, such as whipping, beating, striking, branding, electronic shocking, placing of a harmful substance on the body or similar activity;
- b. Any type of physical activity, such as sleep deprivation, exposure to the elements, confinement in a small space, calisthenics or other activity that subjects the student to an unreasonable risk of harm or that adversely affects

the mental or physical health or safety of a student;

c. Any activity involving consumption of a food, liquid, alcoholic beverage, liquor, drug or other substance which subjects a student to an unreasonable risk or harm, or which adversely affects the mental, physical health or safety of a student;

d. Any activity that intimidates or threatens a student with ostracism that subjects a student to extreme mental stress, shame or humiliation, or that adversely affects the mental health or dignity of a student, or that discourages a student from entering or remaining registered at this university, or that may reasonably be expected to cause a student to leave the organization or the university rather than submit to acts described above;

e. Any activity in which a person engages in, solicits, encourages, directs, aids or attempts to aid another, directly or indirectly, in hazing; intentionally, knowingly or recklessly permits hazing to occur; having firsthand knowledge of the planning of a specific hazing incident which has occurred; and fails to report the incident in writing to the specific School's student affairs office;

f. Any activity in which hazing is either condoned or encouraged or actions of any officer or combination of members, pledges, associates or alumni of the organization in committing or assisting in the commission of hazing; or,

g. Any act that is unlawful as designated by local, state, or federal government.

NOTE: *Texas Education Code, Sections 37.151-37.157 and Section 51.936*

#### 8. False Alarms or Terrorist Threats

Intentionally or recklessly sounding a false alarm of any kind or character; making a false emergency call or terrorist threat; issuing a bomb threat; constructing mock explosive devices; improperly possessing, tampering with or destroying fire equipment, Automatic External Defibrillator (AED) or emergency signs on University premises.

#### 9. Financial Irresponsibility

Failure to meet financial obligations owed to the University, including, but not limited to, the writing of checks on accounts with insufficient funds see also 4d above.

#### 10. Unauthorized Entry, Possession or Use.

a. Unauthorized entry into or use of University facilities;

b. Unauthorized possession or duplication, processing, production, or

manufacture of any key or unlocking device or access code for use in any University facility;

c. Unauthorized use of the University name, logotype, registered marks or symbols of the University; or,

d. Use of the University's name to advertise or promote events or activities in a manner which suggests sponsorship by the University without prior written permission.

#### 11. Traffic and Parking

a. Violation of University Traffic and Parking regulations; or,

b. Obstruction of the free flow of vehicle, pedestrian or other traffic on University premises.

#### 12. Student Recreation Regulations

Violation of rules, which govern behavior in the student lounges or exercise areas.

#### 13. Failure to Comply with Reasonable Directions or Requests of University Officials.

Failure to comply with the reasonable directions or requests of a University official acting in the performance of his or her duties.

#### 14. Failure to Present Student Identification

The failure to present their student identification to any University official upon request and identify himself/herself to any University official acting in the performance of his/her duties. The student identification card is the property of the university. Students shall neither allow their student identification card to be used by other persons, nor shall they alter their student identification in any way. A student must pay a replacement charge for lost, stolen or damaged student identification cards.

#### 15. Abuse, Misuse or Theft of University Computer Data, Programs, Time, Computer or Network Equipment

a. Unauthorized or non-academic use of computing and/or networking resources;

b. Unauthorized accessing copying, or removing of programs, records or data belonging to the University or another user or copyrighted software

- c. Attempted or actual breach of the security of another user's account and/or computing system, depriving another user of access to University computing and/or networking resources, compromising the privacy of another user or disrupting the intended use of computing or network resources;
- d. Attempted or actual use of the University's computing and/or networking resources for personal or financial gain;
- e. Attempted or actual transport of copies of University's programs, records or data to another person or computer without written authorization;
- f. Attempted or actual destruction or modification of programs, records or data belonging to the University or another user or destruction of the integrity of computer-based information;
- g. Attempted or actual use of the computing and/or networking facilities to interfere with the normal operation of the University's computing and/or networking systems; or through such actions, causing a waste of such resources (people, capacity, computer); or,
- h. Allowing another person, either through one's personal computer account, or by other means, to accomplish any of the above.
- i. Attempted or actual addition/modification/removal/circumventing of Institutionally-approved computer security products/processes.
- j. Participate in any computer-related activity that may cause TTUHSC El Paso to incur legal liability, or embarrassment.
- k. Violate any policy defined in the TTUHSC El Paso IT Security Policies List (<http://www.depts.ttu.edu/infotech/security/docs/index.php?>).

#### 16. Providing False, Misleading or Untrue Statements or Misuse of Records

Knowingly providing to the University, or to a University official in the performance of his/her duties, either verbally, or through forgery, alteration or misuse of any University document, record or instrument of identification.

#### 17. Skateboard, Roller Blades, or Similar Devices

Use of skateboards, roller blades or other similar devices in University buildings or on University premises in such a manner as to constitute a safety hazard or cause damage to University or personal property or which disrupts the normal operation of the University.

*NOTE: Also refer to TTUHSC El Paso OP 76.32, Traffic and Parking Regulations,*

## 18. Academic Misconduct

a. A student who witnesses academic misconduct or who is approached with an offer to gain unfair advantage or commit academic misconduct is obligated to report that violation to the appropriate authority (See Part II.D). Failure to do so may result in disciplinary action. Faculty and staff are likewise responsible to report academic misconduct in accordance with Part II.D.

b. "Academic misconduct" involves any activity that tends to compromise the academic integrity of the University, or subvert the educational process, including, but not limited to, cheating, plagiarism, falsifying academic records, misrepresenting facts and any act designed to give unfair academic advantage to the student or the attempt to commit such an act.

c. "Cheating" includes, but is not limited to:

- i. Using any aid, sources and/or assistance beyond those authorized by the instructor in taking a course, laboratory, field work, quiz, test or examination; writing papers; preparing reports; solving problems; or carrying out assignments;
- ii. Failing to comply with instructions given by the person administering the test;
- iii. Using, buying, stealing, transporting or soliciting in whole or part the contents of an examination, test key, homework solution or computer program;
- iv. Seeking aid, receiving assistance from, or collaborating (collusion) with another student or individual during a course, quiz, test, examination or in conjunction with other assignment (including, but not limited to writing papers, preparing reports, solving problems or making presentations) unless specifically authorized by the instructor;
- v. Discussing the contents of an examination with another student who will take the examination;
- vi. Divulging the contents of an examination, for the purpose of preserving questions for use by another, when the instructor has designated that the examination is not to be removed from the examination room, be returned to or kept by the student;
- vii. Substituting for another person, or permitting another person to substitute for oneself to take a course, test or any course-related assignment;
- viii. Paying or offering money or other valuable thing to, or coercing another person to obtain an examination, test key, homework solution

- or computer program, or information about an examination, test key, homework solution or computer program;
- ix. Falsifying research data, laboratory reports and/or other academic work offered for credit;
  - x. Taking, keeping, misplacing or damaging the property of the University, or of another, if the student knows or reasonably should know that an unfair academic advantage would be gained by such conduct;
  - xi. Possession at any time of current or previous test materials without the instructor's permission;
  - xii. Acquisition or dissemination by any means, without written permission, of tests or other academic material belonging to a member of the University community;
  - xiii. Alteration of grade records;
  - xiv. Bribing, or attempting to bribe, a member of the University community or any other individual to alter a grade;
  - xv. Falsification, fabrication, or dishonesty in reporting laboratory and/or research results;
  - xvi. Submitting substantially the same work to satisfy requirements for one course that has been submitted in satisfaction of requirements for another course, without specific permission of the instructor of the course for which the work is being submitted.
  - xvii. Possession during an exam of prohibited materials, including but not limited to study/review materials, class notes, review questions, etc.

d. "Plagiarism" includes, but is not limited to, the appropriation, buying, receiving as a gift, or obtaining by any other means another's work (such as words, ideas, expressions, illustrations, or product of another), in whole or in part, and the submission of it as one's own work offered for an academic credit or requirement. When a student presents the works of another (published or unpublished) in his/her academic work, the student shall fully acknowledge the sources according to methods prescribed by his/her instructor.

e. "Falsifying academic records" includes, but is not limited to, altering or assisting in the altering, of any official record of the University and/or submitting false information or omitting requested information that is required for, or related to, any academic record of the University. Academic records include, but are not limited to, applications for admission, the awarding of a degree, grade reports, test papers, registration materials, grade change forms and reporting forms used by the Office of the Registrar.

f. "Misrepresenting facts" to the University or an agent of the University includes, but is not limited to, providing false grades or resumes, providing false or misleading information in an effort to receive a postponement or an extension on a test, quiz, or other assignment for the purpose of obtaining an

academic or financial benefit for oneself or another individual, or providing false or misleading information in an effort to injure another student academically or financially.

g. For additional information relating to the Paul L. Foster School of Medicine Academic Misconduct procedures, please refer to E.2.d.

#### 19. Violation of Published University Policies, Rules, or Regulations

Violation of any published University policies, rules, or regulations that govern student or student organization behavior, including, but not limited to, applicable publications for each TTUHSC School, such as student handbooks, catalogs, professional and ethical standards and course syllabus.

#### 20. Violation of Federal, State, and/or Local Law

Misconduct which constitutes a violation of any provisions of federal, state and/or local laws.

#### 21. Abuse of the Discipline System

a. Failure by an Accused Student to comply with or respond to a notification to appear before the Dean of his or her School, Dean's representative and/or an official of the University, including, but not limited to, the Student Conduct Administrator, during any stage of a disciplinary proceeding. Failure to comply with or respond to a notice issued as part of a disciplinary procedure and/or failure to appear will not prevent the Dean or Dean's representative and/or an official of the University from proceeding with disciplinary action;

b. Falsification, distortion or misrepresentation of information in disciplinary proceedings;

c. Disruption or interference with the orderly conduct of a disciplinary proceeding;

d. Filing an allegation known to be without merit or cause;

e. Discouraging or attempting to discourage an individual's proper participation in, or use of, the discipline system;

f. Influencing or attempting to influence the impartiality of a member of a disciplinary body prior to and/or during the disciplinary proceeding;

g. Harm, threat of harm, or intimidation either verbally, physically or written of a member of a disciplinary body prior to, during and/or after disciplinary

proceeding;

h. Failure to comply with the sanction(s), condition(s) and/or restriction(s) imposed under this Student Code;

i. Influencing or attempting to influence another person to commit an abuse of the discipline system; or,

j. Retaliation against any person or group who files a Complaint of Misconduct in accordance with the Student Code or files a grievance under the applicable School grievance policy.

## **E. Other Professional and Ethical School Standards**

In addition to the Misconduct identified in Part II.D, the following constitute professional and ethical standards for individual TTUHSC El Paso Schools and for the basis of a disciplinary action.

### 1. Gayle Greve Hunt School of Nursing

a. All students entering into the Gayle Greve Hunt School of Nursing are required to subscribe to the standards and codes of the profession.

b. GGHSON students as nursing professionals, are expected, not only by patients, but also by society as a whole to adhere to:

i. American Nurses Association (ANA) Code of Ethics for Nurses, and the; <http://www.nursingworld.org/codeofethics>

ii. Texas Board of Nurse Practice/Unprofessional Conduct Rules  
[https://www.bon.state.tx.us/practice\\_nursing\\_practice.asp](https://www.bon.state.tx.us/practice_nursing_practice.asp)

c. Students who fail to uphold and/or comply with the above codes and standards for safe and professional nursing practice will be considered in violation of the law and/or professional nursing standards.

### 2. Paul L. Foster School of Medicine

a. All students entering the Paul L. Foster School of Medicine are required to subscribe to the Medical Student Honor Code, as well as the Student Code. Adherence to the Medical Student Honor Code and the Student Code is considered a requirement for admission to the Paul L. Foster School of



Medicine.

b. Paul L. Foster School of Medicine students, as well as medical professionals in general, are expected, not only by patients, but also by society as a whole, to possess certain attributes, which include, but are not limited to:

- i. Altruism, whereby they subordinate their own interests to take care of their patients;
- ii. High ethical and moral standards;
- iii. Honesty, integrity, trustworthiness, caring, compassion and respect in their interactions with patients, colleagues and others;
- iv. . Accountability, not only for their own actions, but also for those of their colleagues, which is the basis for the autonomy of the profession; and,
- v. Maintaining confidentiality concerning the patient and the patient's records.

*c. Medical Student Honor Code*

"In my capacity as a Paul L. Foster School of Medicine medical student, I will uphold the dignity of the medical profession. I will, to the best of my ability, avoid actions which might result in harm to my patients. I will protect the dignity of my patients and the deceased, and will protect their confidential information in accordance with the prevailing standards of medical practice. I will not lie, cheat, or steal. I will enter into professional relationships with my colleagues, teachers, and other health care professionals in a manner that is respectful and reflective of the high standards and expectations of my profession. I will not tolerate violations of this Code by others and will report such violations to the appropriate authorities."

d. In matters of Academic Misconduct, the student shall refer to the Paul L. Foster School of Medicine Student Affairs Handbook, Code of Professional and Academic Conduct and Promotions Policy.

3. Graduate School of Biomedical Sciences

- a. All students enrolled in the GSBS are required to maintain a high level of performance and comply fully with the policies of the institution.
- b. GSBS students as future scientists and health-related professionals are expected, by society as a whole, not to engage in scientific misconduct.
  - i. Allegations of scientific misconduct (fraud, dishonesty, or any kind of misconduct in science) will be investigated by the university's research integrity officer as outlined in HSCEP OP 73.07 Honesty in Research & Allegations of Scientific Misconduct-Attachment A.

**F. Disciplinary Procedures** *Academic issues, such as grading and promotion*

*issues, should be addressed by each school's policies and procedures.*

1. Nature of Proceedings. These proceedings are part of an educational process whereby the University applies its values to establishing the best possible learning environment for its students. These proceedings are not intended to follow, or be restricted by, courtroom or judicial procedures, including the rules of evidence. In addition, these proceedings are not intended for grading and promotions issues, which should be addressed under individual School policies.

2. Procedural Deviations. If the Student Conduct Board has not yet been appointed, or in the absence of the Chair of the Student Conduct Board, the parties and the Student Conduct Administrator may agree in advance and in writing to deviations from procedure. If a Student Conduct Board has been appointed, the parties and the Chair of the Student Conduct Board may mutually agree to procedural deviations, such as deadlines for submission of evidence and hearing dates and times.

NOTE: Any notices that are sent by mail will be considered to have been received on the third calendar day after the date of mailing, excluding any intervening Saturday, Sunday or holiday.

### 3. Filing A Complaint

a. Any faculty, staff, or student of TTUHSC El Paso may file a Complaint(s) against a student(s) or a student organization(s) for violation(s) of the Student Code. A preliminary investigation/discussion with a supervisor (program director, chair, etc.) must be done prior to filing a Complaint. If a basis for the Complaint exists, Attachment A shall be completed and delivered by the Complainant to the Student Conduct Administrator. A Complaint shall be submitted no later than twenty (20) business days from the date of the event or when the Complainant becomes aware of the event. Complaints filed more than twenty business days after the event shall include a justification for the delay and will be accepted on a "case by case" basis as determined by the Student Conduct Administrator.

b. When a Complaint is filed, the Student Conduct Administrator will provide the Accused Student with the Complaint of Misconduct filed by the Complainant and will notify the Accused Student in writing that he or she shall appear before the Student Conduct Administrator to discuss the Complaint within five (5) business days from the date of the letter. The Accused Student shall meet with the Student Conduct Administrator.

c. The Student Conduct Administrator may conduct an informal meeting to determine if the complaint may be disposed prior to a formal hearing. Any informal disposition must be in writing and agreed to by all of the parties. Such disposition shall be final and there shall be no subsequent proceedings.

The Student Conduct Administrator will send a written notification of the resolution to all parties involved.

- d. If the Complaint is not disposed of administratively under Part II.F.3.c above, the Student Conduct Administrator will meet with the Accused Student to determine if the Accused Student admits or denies violating institutional rules.
  - i. If the Accused Student admits violating institutional rules, but sanctions are not agreed to, a Student Conduct Board Hearing shall be conducted in accordance with Part II.F.4 but shall be limited to recommending the appropriate sanction(s) Part II.G.
  - ii. If the Accused Student denies violating University rules, the allegations shall be referred by the Student Conduct Administrator for a Hearing before the Student Conduct Board under Part II.F.4 below.
  
- e. Student Conduct Board Hearing shall be scheduled within thirty (30) business days after the Accused Student has met with the Student Conduct Administrator under Part II.F.3.d. above. In cases in which an examination period intervenes between the time of the notice to the Accused Student and the Student Conduct Board Hearing date, such Hearing will be held during the first week in which classes are again in session. In the case of inclement weather, the chair of the Student Conduct Board will notify all parties of any cancellations or schedule changes.

#### 4. Student Conduct Board Hearings

- a. *Closed Hearing.* A Student Conduct Board Hearing will be conducted in closed session. Any request for an exception must be submitted in writing to the Chair of the Student Conduct Board, who shall render a final written decision.
  
- b. *Hearing Notice.* At least fifteen (15) business days prior to the Student Conduct Board Hearing, the Chair of the Student Conduct Board will provide written notice to the parties of the following:
  - i. Date, time and place for the hearing,
  - ii. Name of the members of the Student Conduct Board,
  - iii. Summary statement of the charge(s), or a copy of the complaint and
  - iv. Request in writing that at least five (5) business days prior to the Student Conduct Board Hearing, the Accused Student and the Complainant submit the information outlined herein below.
  
- c. *Challenge.* An Accused Student and/or Complainant may challenge in writing the impartiality of any member of the Student Conduct Board up to three (3) business days after receiving the Hearing Notice by submitting their reasons for the challenge to the Student Conduct Administrator.

Any member of the Student Conduct Board whose participation is challenged shall be required to establish to the Student Conduct Board Administrator or his or her designee that the member can serve with fairness and objectivity. If the member cannot establish his or her fairness and objectivity to the satisfaction of the Student Conduct Board Administrator, the member in question shall be removed and a substitute will be appointed by the Student Conduct Administrator. If such member is removed the Student Conduct Administrator, may in his or her sole discretion choose to reschedule the hearing.

d. *Evidence Submission.* At least ten (10) business days prior to the date scheduled for the Student Conduct Board Hearing, the Complainant and the Accused Student must submit to the Chair of the Student Conduct Board the following information, if applicable. Requests for extensions to file information with the Student Conduct Board shall be submitted to the Chair.

- i. All pertinent records and exhibits
- ii. Written statements must be notarized (including Impact or Position Statements);
- iii. A list of all witnesses, if any, who will be speaking on behalf of the Accused Student or Complainant; and
- iv. The name of the advisor, if any, who may be present in an advisory capacity at the hearing. See Part II.F.4. i below.

e. *Evidence Exchange.* At least five (5) business days prior to the hearing, the Chair will provide each party with the information, if any, submitted by the other party.

f. *Separate or Joint Hearings.* A Student Conduct Board Hearing involving two or more Accused Students, may be conducted separately or jointly as determined by the Student Conduct Administrator. An accused student may request in writing to the Student Conduct Administrator a separate hearing up to three (3) business days after receiving the notice of hearing. The Student Conduct Board Administrator shall notify the student within three (3) business days the determination of the request.

g. *Recordings.* The University shall record, either digitally, through audiotape, or otherwise as deemed appropriate all Student Conduct Board Hearings until such time that the Student Conduct Board begins discussion and deliberation and prepares its' Findings and Recommendations. Deliberations shall not be recorded. The record is University property. Pursuant to the Family Educational Rights and Privacy Act of 1974 (FERPA), as amended, the student will be allowed to review, but not to copy, the hearing record. 34 C.F.R. § 99.10 (2003). Neither the Complainant, the Accused Student nor any

witnesses are permitted to make any independent record of the proceedings.

h. *Hearing Attendance.* The Complainant, Accused Student and their respective advisor, if any, shall be allowed to attend the portion of the Student Conduct Board Hearing at which information is received, excluding deliberations.

i. *Advisors.* The advisor must be a faculty, staff, or student of TTUHSC El Paso. However, if an Accused Student is also the subject of a pending criminal investigation, indictment or charge arising out of the same circumstances, he or she may be allowed to have an attorney serve as his or her advisor, at his or her own expense, to participate only in the same manner as any other advisor. If an advisor for the Accused Student is an attorney, an attorney from the Office of General Counsel may attend the Student Conduct Board Hearing on behalf of the University. The University will provide legal counsel for the Student Conduct Board as the Student Conduct Board Chair deems it necessary.

The Complainant and/or the Accused Student is responsible for presenting his or her own information, and therefore, advisors are not permitted to speak or to participate directly or indirectly in any Student Conduct Board Hearing before a Student Conduct Board. A student should select as an advisor a person whose schedule allows attendance at the scheduled date and time for the Student Conduct Board Hearing, as delays will not be allowed due to the scheduling conflicts of an advisor, except at the discretion of the Chair upon written request seven (7) business days in advance of the date scheduled for the Student Conduct Board Hearing.

j. *Witnesses.* Members of the Student Conduct Board may question all witnesses, followed by the parties. Questioning by the Complainant and the Accused Student may be limited in the sole discretion of the Chair of the Student Conduct Board for such issues as preserving the civility of the hearing, avoiding redundant and irrelevant questioning, and/or providing for the efficient administration of the Hearing. Witnesses are permitted to attend the Student Conduct Board Hearing only during the time they are providing testimony, they are being questioned by the complainant, the accused or the committee unless the Student Conduct Board Chair, in his/her sole discretion determines otherwise.

i. *Parties Witnesses.* The Complainant and the Accused Student may arrange for witnesses to present pertinent information to the Student Conduct Board. The Complainant and the Accused Student are responsible for arranging for the voluntary attendance of his or her own witnesses.

ii. *Board Witnesses.* In its sole discretion, the Student Conduct Board may call other witnesses not identified by the Accused Student or the

Complainant. If prior to the hearing the Student Conduct Board anticipates calling additional witnesses, the Board shall notify the Chair of the Student Conduct. The Chair of the Student Conduct Board will then arrange for the voluntary attendance of the witnesses identified by the Student Conduct Board. The Chair of the Student Conduct shall notify the Accused Student and the Complainant of the additional witnesses. If any witness called by the Student Conduct Board intends to present written information to the Board, the Chair of the Student Conduct Board is responsible for forwarding such information to the Complainant, the Accused Student and the Student Conduct Board prior to the Hearing. No Board members shall have communication with any witnesses, except in the Hearing with the Accused Student and Complainant present.

k. *Procedural Questions.* All procedural questions are subject to the final decision of the Chair of the Student Conduct Board. If a Student Conduct Board has not been appointed, the Student Conduct Administrator will issue a final decision in response to procedural questions.

l. *Deliberations.* If the Student Conduct Board concludes that all pertinent information has been received, the Student Conduct Board shall adjourn the Hearing to discuss, deliberate and prepare Findings and Recommendations. The Student Conduct Board will determine by a simple majority (more than half of the votes cast) of members present at a duly called meeting vote whether the Accused Student has violated any section of the Student Code which the student is charged with violating. If the Student Conduct Board finds a violation(s) of the Student Code, the Student Conduct Board may also recommend all or any of the sanctions identified in Part II.G below.

m. *Failure to Appear.* The Accused Student is expected to attend and participate in the Student Conduct Board Hearing. If the Accused Student or the Complainant elects not to attend a hearing after appropriate written notice Section II.F.4.b above, the charges will be reviewed as scheduled on the basis of the information available, and a recommendation will be made by the Board. Although no inference may be drawn against an Accused Student for failing to attend a hearing or remaining silent, the hearing will proceed and the conclusion will be based on the evidence presented. No decision shall be based solely on the failure of the Accused Student to attend the hearing or answer the charges.

n. *Findings and Recommendations.* The Chair is responsible to prepare the Student Conduct Board's Findings and Recommendations in writing. . If the Findings and Recommendations are not unanimous, opinion(s) may be written by those who differ with the Majority's Findings and Recommendations. The Chair will forward the Findings and



Recommendations, including differing opinion(s), within ten (10) business days to the Dean, the Student Conduct Administrator, the Accused Student and the Complainant.

*o. Dean's Review.* The Dean of the school will review the Findings and Recommendations of the record from the Student Conduct Hearing and supporting documents, and transmit his or her decision in writing within ten (10) business days from receipt to the Accused Student, the Complainant, the Student Conduct Administrator, and the Chair of the Student Conduct Board. Actions of the Dean are not limited to sanctions recommended by members of the Student Conduct Board. The Dean's decision shall be final.

*p. Appeal.* Within ten (10) business days of receipt of the decision of the Dean, if either party believes that the *due process* procedures have been violated, an appeal may be made, in writing, to the President of the University. The President will review the case and notify all parties of his decision within ten (10) business days. If a written appeal is not submitted within ten (10) business days following receipt of the Dean's letter, the right to appeal is thereby waived and the Dean's decision is final. In the event that the same individual serves as both Dean of the School and President of the University, the Vice President for Academic Affairs is designated to hear any such appeal.

The Accused Student or Complainant may only raise, and the President shall only consider, the following:

- a. Whether a procedural deviation occurred that substantially affected the outcome of the case;
- b. Whether there is new information sufficient to alter the Findings or other relevant facts not available or mentioned in the original hearing, because such information and/or facts were not known to the person appealing at the time of the original Student Conduct Board Hearing.

The President will review the Findings and Recommendations and, at his or her sole discretion, the record from the Student Conduct Hearing and supporting documents, and transmit his or her decision in writing to the Accused Student, the Complainant, the Student Conduct Administrator, the Chair of the Student Conduct Board, and the Dean. The President's decision shall be final.

If the Vice President for Academic Affairs reviews the appeal and finds no procedural deviation and no new information, then the Dean's determination is final. If there has been a procedural deviation or new information sufficient to alter findings, then the case will be referred back to the hearing committee for further deliberation. That decision will be transmitted to the dean as described in "o" above and the Dean's decision is final.

## G. Sanctions

1. Sanctions which may be recommended by the Student Conduct Board, and imposed by the Dean of the School, upon any student found to have violated this Student Code. include but are not limited to the following:

*a. Failing Grade or Cancellation of Credit.* Failing grade for an examination or assignment or for a course, and/or cancellation of all, or any portion, of a prior course credit.

*b. Censure.* A notice in writing to the student that the student is in violation or has violated institutional regulations. At the Dean's discretion, the censure may remain permanently in the student's disciplinary file or be removed at graduation if certain conditions are met.

*c. Probation.* A written reprimand for violation of specified regulations. Probation is for a designated period of time and includes the likelihood of more severe disciplinary sanctions if the student is found to violate any institutional regulation(s) during the probationary period.

*d. Loss of Privileges.* Denial of specified privileges for a designated period of time.

*e. Restitution.* Compensation for loss, damage or injury. This may take the form of appropriate service and/or monetary or material replacement.

*f. Discretionary Sanctions.* Assignments may be made at the discretion of the board, such as work assignments, essays, training, service to the University, temporary dismissal from a class or rotation site, an unexcused absence, a letter of unprofessional behavior in the student's disciplinary file or other related discretionary assignments.

*g. Suspension.* Separation of the student from University for a defined (or specific) period of time, after which the student is eligible to return. Conditions for readmission must be specified.

*h, Dismissal With or Without Readmission.* Separation or dismissal of the student from their current program, with or without the option to apply for readmission to the University. The student's transcript will reflect the nature of the dismissal.

*i. Revocation of Admission and/or Degree.* Admission to or a degree awarded by the University may be revoked for fraud, misrepresentation



or other violations of University standards in obtaining the degree, or for other serious violations committed by a student prior to graduation.

j. *Withholding Degree.* The University may withhold awarding a degree otherwise earned until the completion of the process set forth in the Student Disciplinary Procedures.

k. *Multiple Sanctions.* More than one of the sanctions listed above may be imposed for any single violation.

l. Any other sanction(s) which may be appropriate under the particular circumstances of the violation.

2. Other than dismissal from the University or revocation or withholding of a degree, disciplinary sanctions shall not be made part of the student's permanent education record, but shall become part of the student's disciplinary record which is maintained in the Office of the Dean or designee for the applicable School.
3. In situations involving both an Accused Student(s) (or a registered student organization) and a student(s) claiming to be the victim of another student's conduct, the records of the process and of the sanctions imposed, if any, shall be considered to be the education records of both the Accused Student(s) and the student(s) claiming to be the victim.
4. The following sanctions may be imposed upon registered student organizations and/or members thereof:
  - a. Those sanctions listed above in Part II.G.1 above.
  - b. Loss of selected rights and privileges for a specified period of time.
  - c. *Deactivation.* Loss of all privileges, including University recognition and/or registration, for a specified period of time.

## **H. Interpretation and Revision**

1. Any question of interpretation or application of this Student Code shall be referred to the Dean of the appropriate School or his or her designee for final determination.
2. The Student Code Review Committee (Review Committee) shall conduct an annual review of the Student Code and make recommendations to the President regarding omission, clarifications, constructive changes and other matters relevant to the interpretation and operation of the Student Code. The Review Committee is composed of the Student Affairs representatives from each School. The President may invite recommendations by the President of the Student

Government Association. A quorum for the Review Committee is four members.

### **PART III. WITHDRAWAL OF CONSENT**

#### **A. Recommendation to Withdraw Consent During Periods of Disruption**

1. The term “period of disruption” is any period in which it reasonably appears that there is any of the following (Texas Education Code § 51.231):

- a. Threat(s) of destruction to University premises;
- b. Physical or emotional injury to human life on University premises; or,
- c. Threat(s) of willful disruption of the orderly operation of the University.

2. During periods of disruption, the Associate Dean for Student Affairs within the applicable School may recommend to the Dean that prior to a Student Conduct Board Hearing, and in accordance with Texas Education Code, Section 51.233, a student have his/her consent to be in attendance at the University or on University premises be withdrawn when there is reasonable cause to believe that the student has willfully disrupted the orderly operation of University premises and that his/her presence on University premises will constitute a substantial and material threat to the orderly operation of the University premises.

3. Withdrawal of Consent shall not be longer than fourteen (14) days from the date on which consent was initially withdrawn.

4. Withdrawal of Consent is specifically provided by state statute (Texas Education Code § 51.233, et seq.). The provisions of Part III do not affect the power of the University to suspend, dismiss, or expel any student or employee at the University in accordance with the procedures set forth in Part II of this Handbook. If a person is alleged to have violated the Student Code, and Withdrawal of Consent also occurs, the procedures set forth in Parts II and III may occur concurrently.

#### **B. Concurrence by Dean**

1. If the Dean concurs with the Associate Dean’s recommendation, the student will have his/her consent to be in attendance at the University or on University premises withdrawal in writing by the Dean. Texas Education Code § 51.233(a) & 51.234.

2. The written notice by the Dean shall contain all of the following:

- a. That consent to remain on the campus has been withdrawn and the number of days for which consent has been withdrawn, not to exceed fourteen (14);
- a. Name and job title of the person withdrawing consent, along with an

address where the person withdrawing consent can be contacted during regular working hours;

b. Brief statement of the activity or activities resulting in the Withdrawal of Consent; and,

c. Notification that the student is entitled to a hearing on the withdrawal not later than three (3) days from the date of receipt by the Dean of a request for hearing from the person.

3. Whenever consent is withdrawn by the Dean, the Dean shall submit a written report to the President within twenty-four (24) hours, unless the Dean has reinstated consent for the student. The report shall contain all of the following:

a. Description of the student, including, if available, the student's name, address, and phone number; and,

b. Statement of the facts giving rise to the Withdrawal of Consent.

### **C. Confirmation by President**

1. If the President or his/her designee upon reviewing the written report described above finds that there was reasonable cause to believe that the student has willfully disrupted the orderly operation of the University or University premises, and that his presence on University premises will constitute a substantial and material threat to the orderly operation of the campus or facility, he/she may enter written confirmation upon the report of the action taken by the Dean. Texas Education Code § 51.236 (b).

2. If the President or his/her designee does not confirm the action taken by the Dean within 24 hours after the time that consent was withdrawn, the Withdrawal of Consent shall be deemed void and of no force or effect, except that any arrest made during the period shall not for this reason be deemed not to have been made for probable cause.

### **D. Hearing**

1. The student from whom consent to remain on campus has been withdrawn may submit a written request for a hearing to the President, within the fourteen (14) day period of withdrawal. The written request must state the address to which notice of hearing is to be sent.

2. The student shall be entitled to the following procedures in accordance with the Texas Education Code, Sections 51.234 and 51.243.

a. *Hearing Notice.* Upon receipt of the request for hearing, the President shall

grant the request and immediately mail a written notice of the time, place, and  
 a. date of the hearing, along with pertinent records, exhibits and written statements to the student. A hearing will be conducted no later than three (3) days from the date that the President receives the request for hearing. The Hearing Committee will be appointed by the President and will be comprised of members from the respective schools other than the accused.

b. *Representation.* The student may be represented by counsel. The University will be represented by the Office of General Counsel.

c. *Witnesses.* The student, as well as the Department Chair who recommended consent be withdrawn, have the right to call and question witnesses and to cross-examine witnesses at the hearing. Members of the Hearing Committee may also question the witnesses. Witnesses are permitted to attend the Hearing only when they are providing information, unless the Hearing Committee, in its sole discretion, allows otherwise. The student shall be advised of the content of the statements, and the names of the persons who made them, at the hearing.

d. *Evidence.* All matters upon which the decision to withdraw consent may be based shall be introduced into evidence at the hearing. The decision to withdraw consent shall be based solely on the evidence presented at the hearing. At least one (1) day prior the date scheduled for the Hearing, the parties must submit to the Chair of the Hearing Committee the following information, if applicable.

- i. All pertinent records, exhibits and written statements (including Impact or Position Statements);
- ii. A list of witnesses, if any, who will be speaking on behalf of the Accused Student or Complainant, including a brief summary of the information to be given by each; and,
- iii. The name of the advisor, if any, who may be present in an advisory capacity at the hearing. See Part II.F.4.i.

e. *Procedural Questions.* All procedural questions are subject to the final decision of the Chair.

f. *Recordings.* University shall record, either digitally or through audiotape, or otherwise as deemed appropriate all Hearings until such time that the Hearing Committee begins discussion and deliberation and prepares Findings and Recommendations. Deliberations shall not be recorded. The record is University property.

g. *Appeal to President.* The student may appeal the decision within three (3) days from the date of the decision by sending a written appeal to the President. If the student does not appeal the decision by the hearing committee, the

decision is final. The president will review and render a decision within seven (7) days.

h. *Appeal to the Board of Regents.* If the student is not satisfied with the decision by the President, the student may appeal to the TTU System Board of Regents by sending a written appeal to the Chairman of the Board of Regents, with a copy to the President, within three (3) days from the date of the President's decision. If the student does not appeal the President's decision, the President's decision is final.

i. If the student appeals to the TTU System Board of Regents, the decision by the Board is final.

## **PART IV. Anti-Discrimination and Sexual Misconduct Procedures (Including Title IX)**

### **A. Introduction**

Texas Tech University Health Sciences Center El Paso (TTUHSC El Paso) is an Equal Employment Opportunity employer and ensures compliance with federal and state employment laws and regulations. TTUHSC El Paso provides a fair and equitable student conduct process, utilizing a thorough, neutral, and impartial investigation, from which is generated a prompt resolution.

1. Non-Discrimination and Anti-Harassment Policy (see [TTUHSC EL PASO OP 51.02](#) for complete policy)

TTUHSC El Paso is committed to providing and strengthening an educational, working, and living environment where students, faculty, staff, and visitors are free from any form of unlawful discrimination. TTUHSC El Paso is dedicated to fostering and supporting a culture of mutual respect and communication.

This policy applies to all TTUHSC El Paso students and employees, visitors, applicants for admission to or employment with TTUHSC El Paso, as well as TTUHSC El Paso affiliates and others conducting business on campus.

TTUHSC El Paso does not tolerate discrimination or harassment based on or related to sex, race, national origin, religion, age, disability, protected veteran status, genetic information, or other protected categories, classes, or characteristics. While sexual orientation and gender identity are not explicitly protected categories under state or federal law, it is TTUHSC El Paso's policy not to discriminate in employment, admission, or use of programs, activities, facilities, or services on these bases.

Discriminatory behavior is prohibited by this policy, as well as by federal laws such as Title VII, which prohibits discrimination in employment, Title IX, which prohibits discrimination on the basis of sex in education programs or activities, the Equal Pay Act, the Age Discrimination in Employment Act, the Americans with Disabilities Act, the Rehabilitation Act of 1973, the Civil Rights Act of 1991, the Vietnam Era Veterans' Readjustment Assistance Act of 1974, Title II of the Genetic Information Non-Discrimination Act, and state laws such as Chapter 21 of the Texas Labor Code. Discriminatory behavior is prohibited regardless of the manner in which it is exhibited, whether verbally, in writing, by actions, or electronically displayed or conveyed.

TTUHSC El Paso expects all members of the University Community to comply with the law. Members of the University Community who violate TTUHSC El Paso policies and laws may be subject to disciplinary action, up to and including termination of employment, expulsion from TTUHSC EL PASO, or being barred from TTUHSC EL PASO premises and events. See TTUHSC El Paso OP 51.02, Non-Discrimination and Anti-Harassment Policy and Complaint Procedure for Violations of Employment and Other Laws for additional information on TTUHSC El Paso's Non-Discrimination and Anti-Harassment Policy. <http://www.TTUHSC.ELPASO.edu/hsc/op/op51/op5102.pdf>

2. Sexual Harassment, Sexual Assault, Sexual Misconduct and Title IX Policy (see [TTUHSC EL PASO OP 51.03](#) for complete policy)

TTUHSC EL PASO is committed to providing and strengthening an educational, working, and living environment where students, faculty, staff, and visitors are free from sex discrimination of any kind. In accordance with Title VII, Title IX, the Violence against Women Act (VAWA), the Campus Sexual Violence Elimination Act (SaVE), and other federal and state law, TTUHSC El Paso prohibits discrimination based on sex and other types of Sexual Misconduct. Sexual Misconduct is a broad term encompassing all forms of gender-based harassment or discrimination and unwelcome behavior of a sexual nature. The term includes sexual harassment, nonconsensual sexual contact, nonconsensual sexual intercourse, sexual assault, sexual exploitation, stalking, public indecency, interpersonal violence, sexual violence, and any other misconduct based on sex.

While sexual orientation and gender identity are not explicitly protected categories under state or federal law, it is TTUHSC's policy not to discriminate in employment, admission, or use of programs, activities, facilities, or services on this basis. Discriminatory behavior is prohibited regardless of the manner in which it is exhibited, whether verbally, in writing, by actions, or electronically displayed or conveyed.

See TTUHSC El Paso OP 51.03, Sexual Harassment, Sexual Assault, Sexual Misconduct, and Title IX Policy and Complaint Procedure, for additional information on TTUHSC El Paso's policy and information on TTUHSC El Paso's prevention and education efforts related to sex discrimination, sexual harassment, nonconsensual sexual contact, nonconsensual sexual intercourse, sexual assault, sexual exploitation, public indecency, Sexual Misconduct, interpersonal violence and stalking. [http://www. TTUHSC EL PASO.edu/hsc/op/op51/op5103.pdf](http://www.TTUHSC.EL.PASO.edu/hsc/op/op51/op5103.pdf)

### 3. Definitions

For purposes of this Part IV, the definitions below apply. However, some of these terms are also defined under state law. If a person would like to file criminal charges for any alleged violations of criminal law, the definitions provided in the links below may apply. Additionally, illustrative examples of some of these defined terms may be found at [http://www.TTUHSC EL PASO. edu/title-ix/](http://www.TTUHSC.EL.PASO.edu/title-ix/).

- a. **Consent** – Mutually understandable words or actions, actively communicated both knowingly and voluntarily, that clearly conveys permission for a specific activity.

Consent is not effective if it results from: (a) the use of physical force, (b) a threat of physical force, (c) intimidation, (d) coercion, (e) incapacitation, or (f) any other factor that would eliminate an individual's ability to exercise his or her own free will to choose whether or not to engage in sexual activity.

Consent is also defined in the context of criminal sexual assault in the Texas Penal Code, Chapter 22, Section 22.011 (<http://www.statutes.legis.state.tx.us/Docs/PE/htm/PE.22.htm#22.011>).

- b. **Employee** – Any person who receives a W-2 or 1042-S from TTUHSC El Paso, including full and part-time faculty, staff, and students.

c. **Incapacitation** – A state of being that prevents an individual from having capacity to give consent. For example, incapacitation could result from the use of drugs or alcohol, a person being asleep or unconscious, or because of an intellectual or other disability.

- d. **Interpersonal Violence** – An offense that meets the definition of domestic violence or dating violence:

- **Domestic Violence** – Abuse or violence committed by a current or former spouse or intimate partner of the Reporting Party, by a person with whom the Reporting Party shares a child in common, by a person with whom the Reporting Party is cohabiting (or has cohabited) with a spouse



or intimate partner, by a person similarly situated to a spouse of the Reporting Party under the domestic or family violence laws of the State of Texas, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the State of Texas.

Domestic Violence is also defined in Texas Family Code, Chapter 71, Section 71.004 (<http://www.statutes.legis.state.tx.us/docs/FA/htm/FA.71.htm#71.004>).

• **Dating Violence** – Abuse or violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Reporting Party. The existence of such a relationship will be determined based on the Reporting Party's statement and with consideration of the type and length of the relationship and the frequency of interaction between the persons involved in the relationship. Two people may be in a romantic or intimate relationship regardless of whether the relationship is sexual in nature; however, neither a casual acquaintance nor ordinary fraternization between two individuals in a business or social context shall constitute a romantic or intimate relationship. This definition does not include acts covered under domestic violence.

Dating Violence is also defined in Texas Family Code, Chapter 71, Section 71.0021 (<http://www.statutes.legis.state.tx.us/docs/FA/htm/FA.71.htm#71.0021>).

e. **Public Indecency** – Engaging in private or sexual acts in a publicly viewable location, such that it is offensive to accepted standards of decency including, but not limited to:

- Exposing one's genitals or private areas;
- Public urination;
- Defecation; and/or
- Public sex acts.

f. **Reporting Party** – A person or entity (in the case of TTUHSC El Paso) who submits a complaint alleging a violation of this policy.

g. **Responding Party** – Generally, the Responding Party is the person who is alleged to be responsible for the prohibited conduct alleged in a complaint.



h. **Responsible Employee** – A TTUHSC El Paso employee who has the authority to take action to redress an alleged violation of this policy; who has been given the duty of reporting such allegations to the Title IX Coordinator or Title IX Deputy Coordinators; or whom an individual could reasonably believe has this authority or duty.

Responsible Employees include, but are not limited to:

- Administrators;
- Academic advisors;
- Coaches, and other athletic staff who interact directly with students;
- Faculty members, including professors, adjuncts, lecturers, instructors, and teaching assistants;
- Student services personnel;
- Graduate research assistants;
- Residence life or community advisors;
- Student organization advisors;
- All supervisory personnel;
- Human Resources personnel; and
- The Texas Tech Police Department.

i. **Sex Discrimination** – An act that deprives a member of the University Community of his or her rights of access to campuses and facilities and of participation in education, services, programs, operations, employment, benefits or opportunities with TTUHSC El Paso on the basis of the person's sex.

j. **Sexual Misconduct** – A broad term encompassing all forms of gender-based harassment or discrimination and unwelcome behavior of a sexual nature. The term includes sexual harassment, nonconsensual sexual contact, nonconsensual sexual intercourse, sexual assault, sexual exploitation, stalking, public indecency, interpersonal violence, sexual violence, and other misconduct based on sex.

k. **Sexual Assault** – Any type of sexual contact or behavior that occurs without the explicit consent of the recipient. Sexual Assault includes non-consensual sexual contact and non-consensual sexual intercourse.

(1) **Non-Consensual Sexual Contact** – Intentional sexual touching, however slight, with any object or part of one's body of another's private areas without consent. Sexual Contact includes:

- Intentional contact with the breasts, buttock, groin, or genitals;

- Touching another with any of these body parts;
- Making another touch you or themselves with or on any of these body parts; or
- Any other intentional bodily contact in a sexual manner.

(2) **Non-Consensual Sexual Intercourse** – Sexual penetration or intercourse, however slight, with a penis, tongue, finger, or any object, and without consent. Penetration can be oral, anal, or vaginal.

The following offenses are examples of sexual assault: rape, incest, fondling, and statutory rape.

- **Rape** – The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the Reporting Party.
- **Incest** – Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Fondling** – The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the Reporting Party, including instances where the Reporting Party is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity
- **Statutory Rape** – Non-forcible sexual intercourse with a person who is under the statutory age of consent.

Sexual Assault is also defined in Texas Penal Code, Chapter 22, Section 22.011 (<http://www.statutes.legis.state.tx.us/Docs/PE/htm/PE.22.htm#22.011>).

I. **Sexual Exploitation** – Taking nonconsensual or abusive sexual advantage of another for the benefit of oneself or a third party. Prohibited behavior includes, but is not limited to:

- Purposeful recording, distribution, or dissemination of sexual or intimate images or recordings of another person without that person's full knowledge or consent;
- Sexual voyeurism;
- Inducing another to expose one's genitals or private areas;
- Prostituting another; or
- Knowingly exposing someone to or transmitting a sexually transmitted disease.

m. **Sexual Harassment** – Unwelcome verbal, written, or physical conduct of a sexual nature when:

- (1) Submission to such conduct is made either explicitly or implicitly a term or condition of employment or education;
- (2) Submission to or rejection of such conduct is used as a basis for decisions affecting employment or education; or
- (3) Such conduct has the purpose or effect of interfering with the individual's work or educational performance or of creating an intimidating, hostile, or offensive working or educational environment. To constitute an intimidating, hostile, or offensive working or educational environment, the complained of conduct must be either severe or pervasive.

Examples of inappropriate behavior that may constitute unlawful sexual harassment or Sexual Misconduct include, but are not limited to:

- Sexual teasing, jokes, remarks, or questions;
- Sexual looks and gestures;
- Sexual innuendoes or stories;
- Communicating in a manner with sexual overtones;
- Inappropriate comments about dress or physical appearance;
- Inappropriate discussion of private sexual behavior;
- Gifts, letters, calls, emails, online posts, or materials of a sexual nature;
- Sexually explicit visual material (calendars, posters, cards, software, internet, or other multimedia materials);
- Sexual favoritism;
- Pressure for dates or sexual favors;
- Unwelcome physical contact (touching, patting, stroking, rubbing);
- Non-consensual video or audio-taping of sexual activity;
- Exposing one's genitals or inducing another to expose his/her genitals;
- Stalking;
- Domestic or dating violence;
- Non-consensual sexual intercourse, sexual assault, or rape; or
- Other gender-based threats, discrimination, intimidation, hazing, bullying, stalking, or violence.

n. **Stalking** – A course of conduct directed at a specific person that would cause a reasonable person to fear for his/ her own safety or the safety of others or would cause that person to suffer substantial emotional distress. A “course of conduct” means two or more acts in which a person directly, indirectly or through third parties, by any action, method, device or means,

follows, monitors, observes, surveils, threatens, or communicates to or about a person or interferes with a person's property. "Reasonable person" means a reasonable person under similar circumstances and similarly situated to the Reporting Party. "Substantial emotional distress" means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Stalking is also defined in Texas Penal Code, Chapter 42, Section 42.072 (<http://www.statutes.legis.state.tx.us/SOT-WDocs/PE/htm/PE.42.htm#42.072>).

o. **University Community** – All faculty, staff, and students of and visitors to any TTUHSC EL PASO premises or TTUHSC El Paso- affiliated activity.

#### 4. Title IX Coordinators

TTUHSC EL PASO has a Title IX Coordinator who oversees TTUHSC El Paso's compliance with Title IX, which prohibits discrimination based on sex. TTUHSC EL PASO has also designated Title IX Deputy Coordinators for students and employees.

The Office of Student Services will investigate complaints of Sexual Misconduct by or between students. The Texas Tech University System Office of Equal Employment Opportunity (Office of EEO) will investigate complaints of Sexual Misconduct by or between employees.

CONTACT	PHONE	ADDRESS	EMAIL
TTUHSC El Paso Title IX Coordinator Rebecca Salcido Assist. Vice President for Human Services	915-215-4140	TTUHSC El Paso Title IX Office  Texas Tech University Health Sciences Center El Paso 200 N. Concepcion Drive El Paso, Texas 79905	<a href="mailto:Rebecca.Salcido@ttuhsc.edu">Rebecca.Salcido@ttuhsc.edu</a>
TTUHSC El Paso Title IX Deputy Coordinator for Students Kathryn V. Horn, M.D. Assist. VP for Student Services Assoc. Dean for Student Affairs	915-215-4786	TTUHSC El Paso Office of Affairs  Texas Tech University Health Sciences Center El Paso 5001 El Paso Drive Medical Education Bldg. 2140 El Paso, Texas 79905	<a href="mailto:Kathryn.Horn@ttuhsc.edu">Kathryn.Horn@ttuhsc.edu</a>

TTUHSC El Paso Title IX Deputy Coordinator for Employees Charlotte Bingham Assist. Vice Chancellor/Director Office of Equal Employment Opportunity	806-742-3627	Office of Equal Employment Opportunity  TTU Administration Building, Room 210 Box 1073 Lubbock, TX 79409	<a href="mailto:TitleIXCoordinator@ttuhsc.edu">TitleIXCoordinator@ttuhsc.edu</a>  <a href="mailto:eeo@ttu.edu">eeo@ttu.edu</a>
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## 5. Reporting Concerns

- a. All students, employees, and third parties are strongly encouraged to promptly report any incidents of Sexual Misconduct to the Title IX Coordinator, Title IX Deputy Coordinators, or Office of EEO.
- b. All students, employees, and third parties may also report incidents of Sexual Misconduct to law enforcement, including on-campus and local police. Reporting Parties may choose to notify law enforcement and will be provided the assistance of a Title IX Coordinator, Title IX Deputy Coordinator, or Office of EEO in contacting these authorities if the individual wishes. For a list of Law Enforcement Agencies, please see page 85 Reporting Parties may also decline to notify law enforcement of incidents of Sexual Misconduct.
- c. An individual who experiences any form of sexual, domestic, or dating violence is encouraged to seek immediate medical care. Also, preserving DNA evidence can be key to identifying the perpetrator in a sexual violence case. Victims can undergo a Sexual Assault Forensic Exam (SAFE) performed by a Sexual Assault Nurse Examiner (SANE) to preserve physical evidence with or without police involvement. If possible, this should be done immediately. If an immediate medical exam is not possible, a SANE may still collect evidence up to four (4) calendar days following a sexual assault. With the examinee's consent, the physical evidence collected during this medical exam can be used in a criminal investigation. To undergo a SAFE, go directly to the nearest emergency department that provides SAFE services. For more information, see <https://www.texasattorneygeneral.gov/cvs/sexual-assault-prevention-and-crisis-services> or [https://www.texasattorneygeneral.gov/files/cvs/sexualassault\\_examination.pdf](https://www.texasattorneygeneral.gov/files/cvs/sexualassault_examination.pdf).
- d. An individual who experiences any form of Sexual Misconduct should also preserve other evidence relevant to the complained of activity, such as items of clothing, photographs, phone records, text messages, computer records, and other documents.

e. If an employee is a Responsible Employee and receives information about Sexual Misconduct, reporting is required. Responsible Employees have a duty to promptly report all known details of incidents of sex discrimination, sexual harassment, nonconsensual sexual contact, nonconsensual sexual intercourse, sexual assault, Sexual Misconduct, sexual exploitation, public indecency, interpersonal violence, and stalking to the Title IX Coordinator, Title IX Deputy Coordinators, or Office of EEO. Responsible Employees are not confidential reporting resources.

f. Disclosures to licensed clinical and/or mental health professionals acting in their professional role in the provision of services are not subject to the foregoing mandatory reporting requirements. These employees include physicians, psychologists, nurses, counselors, and those performing services under their supervision. These employees are encouraged to provide students or employees with information and guidance regarding TTUHSC El Paso reporting options and available resources but will not report or otherwise refer instances of sexual harassment/misconduct to TTUHSC El Paso administrators without the student or employee's express permission. Students may make confidential reports to the Program of Assistance for Students (PAS). Likewise, employees may make confidential reports through the Employee Assistance Program.

## 6. Office of Civil Rights Complaints

Nothing in this policy shall prevent a student from presenting a charge of discrimination or other grievance covered by this policy to an external agency, such as the United States Department of Education: Office of Civil Rights (OCR), 400 Maryland Avenue, SW Washington, DC 20202-1100, Customer Service Hotline#: (800) 421-3481, <http://www.ed.gov/ocr>.

## 7. Non-retaliation

Retaliation against a person who reports a potential violation under this policy, assists someone with a report of a violation, or participates in any manner in an investigation or in the resolution of a complaint made under this policy is strictly prohibited and will not be tolerated. Retaliation includes, but is not limited to threats, intimidation, reprisals and/ or adverse actions related to an individual's employment or education. TTUHSC El Paso will take appropriate steps to assure that a person who in good faith reports, complains about, or participates in an investigation pursuant to this policy will not be subjected to retaliation. Individuals who believe they are experiencing retaliation are strongly encouraged to lodge a complaint with TTUHSC El

Paso using the same procedure outlined in this policy.

Individuals who are found to have retaliated under this policy will be subject to disciplinary action, up to and including termination of employment, expulsion from TTUHSC El Paso, or being barred from TTUHSC El Paso premises and events.

## 8. Confidentiality

The confidentiality of both the Reporting Party and the Responding Party will be honored by TTUHSC El Paso to the extent possible without compromising TTUHSC El Paso's commitment and obligation to investigate allegations of Sexual Misconduct, to protect the University Community, and to the extent allowed by law. However, because TTUHSC El Paso also has an obligation to maintain an environment free of Sex Discrimination and Sexual Misconduct, many TTUHSC El Paso employees have mandatory reporting and response obligations and may not be able to honor a Reporting Party's request for confidentiality. The Title IX Coordinator will evaluate requests for confidentiality.

## 9. Faculty/Staff and Student Relationships

TTUHSC El Paso is committed to the promotion of professional and educational relationships and open channels of communication among all individuals. The faculty/staff and student relationship is of the highest value and impacts a student's educational experience. Consensual relationships, including affectionate liaisons or other intimate or close relationships between faculty and students in a faculty members class or with whom the faculty member has an academic or instructional connection are prohibited. Faculty/staff with direct or indirect teaching, training, research oversight or direction, supervisory, advisory, or evaluative responsibility over the student should recognize and respect the ethical and professional boundaries that must exist in such situations. If questions arise about situations involving faculty/staff and student relationships, they can be directed to the student's Academic Dean or the Assistant Vice President for Student Services.

### **B. Complaint Process Involving Employees, whether Faculty, Staff, or Students**

1. A formal complaint pertains to adverse actions taken on the basis of the student's protected status or other violation of law or TTUHSC El Paso policy. A violation of a TTUHSC El Paso policy alone does not necessarily constitute a violation of law or an action prohibited by law.



2. If a student has a complaint about Sexual Misconduct, unlawful discrimination, harassment, or other violations of the law and the Responding Party is an employee, whether faculty, staff or student, the general provisions relating to employees and the employee complaint procedures set forth in TTUHSC El Paso OP 51.02 and TTUHSC El Paso OP 51.03 shall apply. In addition, in student complaints involving employees, the following provisions shall apply:

a. These procedures are entirely administrative in nature and are not considered legal proceedings.

b. All complaint investigations and procedures will be non-adversarial in nature. Additionally, mediation will not be used to resolve complaints of Sexual Assault and Interpersonal Violence.

c. The filing of a complaint shall not affect the ability of TTUHSC El Paso to pursue academic and disciplinary procedures for reasons other than the student's filing of a complaint.

d. A student may consult with Title IX Coordinator, the Deputy Coordinators, or Office of EEO to determine if he/ she wishes to file a formal complaint. Students wishing to file a complaint should complete the complaint form available at <http://www.TTUHSCelpaso.edu/title-ix/>. However, even if a formal complaint is not filed, the Title IX Coordinator or Office of EEO may conduct an investigation regarding the allegation, at his or her discretion, and other action may be taken by TTUHSC El Paso as deemed appropriate. Other actions include, but are not limited to, conferring with supervisors or other administrators concerning inappropriate behavior occurring within their area of responsibility and informing alleged offenders of TTUHSC El Paso's policy and educating departments and supervisors as needed on this and other policies.

e. If the complaint involves the Title IX Coordinator and/or Deputy Coordinators, the complaint should be presented to the Office of EEO.

f. Student complaints of Sexual Misconduct, discrimination or harassment by an employee may be investigated jointly by TTUHSC El Paso's Title IX Investigators and the Office of EEO.

g. The investigation may consist of the review of the complaint and any supporting documentation, examination of other relevant documentation, and interviews with relevant individuals. Both Parties may notify TTUHSC El Paso's Title IX Investigators and the Office of EEO of any witnesses and other evidence relevant to the complaint. The extent of the investigation and

its procedures will be determined by and at the discretion of the Title IX Coordinator or the Office of EEO. Additionally, other administrators may be consulted to assist with the investigation.

h. After the investigation is complete, the Title IX Coordinator or Office of EEO or designee will provide notice in writing to the student who has filed the complaint, the Responding Party, and the appropriate administrators of the following:

i. Determination of the outcome;

ii. The finding of the Office of EEO is final and not appealable by either Party;

iii. In the event of a finding of a violation of TTUHSC El Paso OP 51.02 or TTUHSC El Paso 51.03 is made, appropriate disciplinary action will be taken as determined by the appropriate administrator; and

iv. If either Party disagrees with the imposed disciplinary action or lack thereof because the disciplinary action imposed substantially varies from the range of disciplinary actions normally imposed for similar infractions, he or she may appeal within five (5) university working days to the Title IX Coordinator. However, if the disciplinary action recommended is tenure revocation, proceedings will be pursuant to TTUHSC El Paso OP 60.10.

i. The Reporting Party and Responding Party will be simultaneously notified in writing of any changes to the results that occur prior to the time such results become final, and when such results become final.

3. Any disciplinary action taken in connection with a complaint filed pursuant to this policy shall be reported in writing to the Title IX Coordinator and the Office of EEO at the time the disciplinary action is implemented. Confirmation of the disciplinary action can be provided via copy of a counseling or other written disciplinary action, resignation, termination document, etc.

4. At the conclusion of the investigation, the student shall be advised that if the discrimination or unlawful activity persists, the student should contact the Title IX Coordinator or Office of EEO. Likewise, in the event the student believes unlawful retaliation for filing a complaint has taken place, the student should contact the Title IX Coordinator or the Office of EEO, and/or file a grievance for retaliation.

5. In the event of a finding of a violation of this policy, the Title IX Coordinator or Office of EEO will follow up with the student within sixty (60) university working days to ensure that the complained of behavior has ceased.

### C. Complaint Process Involving Students

1. Grievances and investigations of formal complaints against student(s) pertaining to adverse actions taken on the basis of the student's protected status or other violation of law or TTUHSC El Paso policy are guided by the Student Conduct Procedures outlined in the Student Handbook, Part II, as applicable. This Part IV. C. of the Student Handbook contains the processes and procedures pertaining to Sexual Misconduct involving students.
2. These procedures are entirely administrative in nature and are not considered legal proceedings.
3. All complaint investigations and procedures will be non-adversarial in nature. Additionally, mediation will not be used to resolve complaints of Sexual Assault and Interpersonal Violence.
4. Jurisdiction
  - a. Part IV of the Student Handbook shall apply to conduct that occurs on TTUHSC El Paso premises, at TTUHSC El Paso sponsored activities, and to off-campus conduct that adversely affects TTUHSC El Paso and/or pursuit of its objectives. On a case-by- case basis, the Title IX Coordinator or the Deputy Title IX Coordinator for Students, in his or her sole discretion, shall determine whether this Part IV of the Student Handbook should be applied to conduct occurring off premises. Part IV may also be applied to behavior conducted online, via email, or other electronic medium. Students should be aware that online postings such as blogs, web postings, chats and social networking sites are in the public sphere and are not private. These postings can subject a student to allegations of conduct violations if evidence of policy Violations Is Posted Online. TTUHSC El Paso Does Not Regularly Search For this information but may take action if and when such information is brought to the attention of TTUHSC El Paso officials.
  - b. Each student shall be responsible for his/her conduct from the time of the application for admission through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment. Part IV of the Student Handbook shall apply to persons who withdraw after alleged violation, who are not officially enrolled for a particular term but who have a continuing relationship with TTUHSC El Paso, or who have been notified of their acceptance.

c. Part IV. C. of the Student Handbook refers to processes and procedures pertaining to Sexual Misconduct. For all other types of misconduct, refer to Part II of the Student Handbook.

## 5. Timelines

a. It is recommended that reports of Sexual Misconduct should be received by the Title IX Coordinator or the Deputy Title IX Coordinator for Students within ten (10) university working days of the alleged incident to initiate conduct procedures. There is no time limit on reporting violations; however, the longer someone waits to report an offense, the more difficult it becomes to obtain information and evidence regarding the incidents.

b. Incidents should be resolved within sixty (60) calendar days of notice regarding the incident, not including appeal. This timeline may vary depending on the availability of individuals participating in the process, availability of evidence, delays for concurrent criminal investigations, breaks between academic semesters, and other delays

## 6. Standards of Evidence

The proceedings are not restricted by the rules of evidence governing criminal and civil proceedings. The standard of proof used in TTUHSC El Paso proceedings in Part IV. C. of the Student Handbook is the preponderance of evidence. The term “preponderance of evidence” is defined as a circumstance in which the evidence as a whole shows that the fact(s) for which proof is being sought are more likely than not.

## 7. Reporting Allegations of Sexual Misconduct

All students, employees, and third parties are strongly encouraged to promptly report any incidents of Sexual Misconduct to the Title IX Coordinator, Title IX Deputy Coordinators, or Office of EEO. To file a complaint of Sexual Misconduct against student(s) or student organization(s), individuals should complete the complaint form at [http://www.TTUHSC EL PASO.edu/title-ix/](http://www.TTUHSC_EL_PASO.edu/title-ix/). Individuals may also file a report in person to the Deputy Title IX Coordinator for Students at 3601 4th Street, Room 2C400 located in the Office of Student Services. However, even if a formal complaint is not filed, the Title IX Coordinator or Deputy Title IX Coordinator for Students may conduct an investigation regarding the allegation, at his or her discretion.

## 8. Confidentiality

- a. The confidentiality of both the Reporting Party and the Responding Party will be honored by TTUHSC El Paso to the extent possible without compromising TTUHSC El Paso's commitment and obligation to investigate allegations of Sexual Misconduct, to protect the University Community, and to the extent allowed by law. However, because TTUHSC El Paso also has an obligation to maintain an environment free of Sex Discrimination and Sexual Misconduct, many TTUHSC El Paso employees have mandatory reporting and response obligations and may not be able to honor a Reporting Party's request for confidentiality. The Title IX Coordinator will evaluate requests for confidentiality.
- b. The willful and unnecessary disclosure of confidential information by anyone, including the Reporting Party or Responding Party, may affect the integrity of the investigation.
- c. Students may make confidential reports to the Program of Assistance for Students (PAS). Likewise, employees may make confidential reports through the Employee Assistance Program. All Reporting Parties may also make confidential reports to local rape crisis centers or to other licensed clinical and/or mental health professionals acting in their professional role of providing those services.

## 9. Anonymity

TTUHSC El Paso understands the sensitive nature of incidents involving Sexual Misconduct. Further, TTUHSC El Paso is mindful of Reporting Parties' desire, in some cases, to report an incident without disclosing their name or other identifying information. TTUHSC El Paso will always attempt to protect a student's anonymity if that is the student's request. Doing so, however, can oftentimes make it more difficult to thoroughly and effectively investigate an incident. TTUHSC El Paso will work with each student on a case-by-case basis to find the approach that best fits the student's wants and needs.

## 10. Reporting Criminally

Some instances of Student Misconduct may also constitute a violation of state, federal, or local law. Students have the option to report misconduct to TTUHSC El Paso, to local law enforcement, or to both. TTUHSC El Paso administrators are happy to assist students in making a report to law enforcement, and will even accompany the student if he or she wishes.

Nothing in this policy shall limit a person from seeking assistance or

filing a complaint with an outside agency. Administrative Agencies:

CONTACT	PHONE	ADDRESS
U.S. Equal Employment Opportunity Commission	1-800-669-4000	300 E. Main Dr. Suite 500 El Paso, Texas 79901
Texas Workforce Commission	512-463-2222	101 E. 15th Street Austin, Texas 78778
U.S. Department of Education, Office of Civil Rights	241-611-9600	1999 Bryan Street Suite 1620 Dallas, Texas 75201

Law Enforcement Agencies:

CONTACT	PHONE	ADDRESS
TTUHSC El Paso Police Department	915-215-7111	200 N. Concepcion El Paso, Texas 79905
El Paso Police Department	915-212-4000	911 N. Raynor Street El Paso, Texas 79902
El Paso County Sheriff's Department	915-538-2292	3850 Justice Drive El Paso, Texas 79938
Texas Department of Public Safety	512-424-2000	5805 North Lamar Blvd. Austin, Texas 78752

## 11. Amnesty Provisions

TTUHSC El Paso will provide educational options in lieu of conduct proceedings in certain situations. Examples of the amnesty provision include, but are not limited to:

- Victims of misconduct who were engaging in minor policy violations, such as underage drinking or drug use, at the time of the incident;
- Students who offer assistance to others by calling medical personnel or law enforcement; or
- Students who bring their own use, addiction, or dependency to alcohol, drugs, or other addictions to the attention of TTUHSC El Paso prior to any conduct incidents or reports.

Abuse of amnesty provisions can result in a violation of the Code of Student Conduct. Amnesty does not preclude students from being charged with allegations of misconduct related to Actions against Members of the University Community and Others. The amnesty provisions do not impact criminal proceedings or charges, mandatory reporting to state licensing boards, or actions required to comply with professional ethic requirements. Amnesty does not preclude students from being required to meet with TTUHSC El Paso staff and to participate in conditions such as counseling. The Deputy Title IX Coordinator for Students can assist with questions related to amnesty provisions.

## 12. Considerations for Sexual Misconduct Procedures

### a. Remedies and Resources

#### i. Remedies

TTUHSC El Paso will take immediate action to eliminate hostile environments, prevent reoccurrence and address any effects on the victim and community. This may include immediate steps to protect Reporting Parties even before the final outcome of the investigations, including prohibiting the Responding Party from having any contact with the Reporting Party. These steps will attempt to minimize the burden on the Reporting Party while respecting due process rights of the Responding Party. Remedies for students may include, but are not limited to counseling services, victim's advocate assistance, modifications to parking assignments, and modifications to academic schedule. Remedies will be evaluated on a case-by-case basis.

#### ii. No Contact Orders

When initial inquiry indicates persistent and potentially escalating conflict between two members of the University Community, a No Contact Order may be issued as a remedial, non-punitive deterrent to further conflict or situational complication. A No Contact Order will be issued by the Deputy Title IX Coordinator for Students via the student's official TTUHSC El Paso email. The notice serves as an official directive that the student(s) have no contact with the other listed parties. Contact cannot occur in person, by telephone, email, text message or other electronic means of communication, or through a third party (other than an attorney). Should contact need to occur, the student should coordinate with the Deputy Title IX Coordinator for Students. This notice may also come with other



information related to changes in class schedule or other restrictions to facilitate the No Contact Order. Failure to comply with the No Contact Order is considered retaliation and will result in disciplinary action, including possible suspension or expulsion. Violations of No Contact Orders may also result in possible violation(s) under Part II of the Student Handbook, and/or a referral to the Texas Tech Police Department during the completion of the conduct process. The term of a No Contact Order is indefinite, unless otherwise stated in the Order.

### iii. Resources

TTUHSC El Paso has a variety of resources to assist students involved in conduct processes or experiencing concerns related to other student conduct. Resources include, but are not limited to assistance in reporting criminal behavior to the Texas Tech Police Department or Lubbock Police Department, counseling services, medical assistance, student legal services, academic support referrals, and other support services.

### b. Interim Measures

The Reporting Party and/or Responding Party may request and TTUHSC El Paso may implement interim measures, as may be necessary to assure the safety and well-being of the participants in the complaint process, to maintain an environment free from harassment, discrimination, or retaliation, and to protect the safety and well-being of the University Community. The Title IX Coordinator or Deputy Title IX Coordinator for Students will decide if and what interim measures are necessary. Additionally, other appropriate TTUHSC El Paso officials may be consulted regarding interim measures. Such interim measures may include, but are not limited to:

- Separating the Reporting Party's and Responding Party's academic interactions;
- Forbidding contact between parties involved in a complaint; or
- Suspending the right of the Responding Party to be present on campus or otherwise altering the University status of the Responding Party.

Other interim measures may be implemented depending on the Responding Party's relationship with TTUHSC El Paso. These interim measures may be kept in place through the conclusion of any review, investigation, or appeal process. Interim measures can be implemented regardless of whether or not the Reporting Party pursues formal TTUHSC El Paso or criminal action.

### c. Immediate Temporary Suspension for Students

A student may be temporarily suspended and/or referred to the Texas Tech Police Department pending completion of conduct procedures if, in the judgment of the Deputy Title IX Coordinator for Students, or on recommendation of a Title IX Investigator, the physical or emotional well-being of a student or other students or members of the University Community could be endangered or if the presence of the student could significantly disrupt the normal operations of TTUHSC El Paso. The Deputy Title IX Coordinator for Students or his/her designee will initiate appropriate conduct procedures to address the disruptive behavior within five (5) university working days from the date of temporary suspension. A student who receives an interim suspension may request a meeting with the Deputy Title IX Coordinator for Students or his/her designee to demonstrate why an interim suspension is not merited. Regardless of the outcome of this meeting, TTUHSC El Paso will still proceed with investigation proceedings. Upon immediate temporary suspension, the student may no longer attend classes, use TTUHSC El Paso or TTU services and/or resources, and is not allowed to be on campus until the conduct proceedings under Part IV have been concluded. Any instances whereby the student should need to return to campus must be coordinated through the Deputy Title IX Coordinator for Students and the Texas Tech Police Department. Conduct, on or off campus that typically results in interim suspension under Part IV includes but is not limited to:

- A significant and articulable threat to the health or safety of a student or other member(s) of the University Community;
- Sexual Assault, other forms of Sexual Misconduct that are creating a hostile environment for the victim and the remedy for the harassment requires temporary separation;
- Violation of a No Contact Order; or
- Retaliatory harm, discrimination or harassment

#### d. Notice of Involvement

When preliminary information indicates that certain, identifiable student(s) are associated with the reported incident, those student(s) will be asked to meet with a Title IX Investigator. In addition to other possible sanctions, conditions and/or restrictions, and in the event that a student fails to respond to written notification, an administrative hold may be placed on the student's record to prevent further registration and transcript receipt. The administrative hold will remain until such time as the Title IX Investigator receives an appropriate response. Failure to comply with or respond to a notice issued as part of conduct procedure and/or failure to appear will not prevent the Deputy Title IX

Coordinator for Students from proceeding with disciplinary process. Likewise, failure of a student to respond to notification to appear may result in additional alleged violations and result in a charge of Failure to Comply in Part II of the Student Handbook.

e. Student Rights and Responsibilities

Prior to the formal investigative process, a student will be provided a Student Rights and Responsibilities document. This document will be reviewed and signed by the student prior to an interview with the Title IX Investigator. The Student Rights and Responsibilities document informs the student of his or her rights to be exercised before and during the investigative process. Information gathered during the course of the investigation and student conduct process may only be shared with faculty, staff, students, and/or advisors who are directly involved in the incident or necessary to the student conduct process. Information gathered may also be disclosed in compliance with a judicial order or lawfully issued subpoena.

A student has a right to:

- i. A prompt, fair, and equitable process;
- ii. Be accompanied by an advisor to any meeting or Hearing an “advisor” can be any one of the following: a member of TTUHSC El Paso Community (faculty, staff, or student), a Victim’s Advocate, a parent or legal guardian, a relative, or in situations involving criminal legal proceedings, an attorney. An advisor’s role is that of support – he or she may not speak on behalf of the student and does not have an active, participatory role in the conduct process. If an advisor for the accused student is an attorney, an attorney from the Texas Tech University System Office of General Counsel may attend the hearing on behalf of TTUHSC El Paso. The Reporting Party and/or Responding Party is responsible for presenting his or her own information, and therefore, advisors are not permitted to speak or participate directly in any hearing unless authorized by the Title IX Investigator or Hearing Officers. Students should select an advisor whose schedule allows attendance at the scheduled date and time for the hearing, as delays will not be allowed due to the scheduling conflicts of an advisor, except at the discretion of the Hearing Facilitator upon written request five (5) university working days in advance of the scheduled hearing date.
- iii. The Reporting Party and the Responding Party are expected to cooperate with the TTUHSC El Paso Sexual Misconduct process, but may

elect not to participate in the investigation process, either in part or entirely. However, if either Party chooses not to provide information during the investigation, they will not be allowed to present new information during the Hearing; similarly, if either Party provides only limited information during the investigation (i.e., answering some of the Investigator's questions but not others), then during the Hearing, that party will only be permitted to speak to the information he or she provided, with no additional commentary. The rationale for this policy is to prevent either Party from presenting new evidence at the Hearing that was available during the investigative process for the purpose of disadvantaging the other Party. NOTE: See Pre-Hearing Process, below, for details on inclusion of new, previously unavailable information after conclusion of the investigative process.

- iv. The opportunity to provide information and evidence in support of his/her case;
- v. Know if they have been issued any allegations of misconduct;
- vi. Know the range of sanctions that may be imposed for a conduct violation, if one is alleged and found to have occurred;
- vii. Know the TTUHSC El Paso conduct policies and procedures, and where to find them;
- viii. Know that any information provided by the student may be used in a conduct proceeding;
- ix. Know that if a student makes any false or misleading statement(s) during the investigation or Hearing the student will be subject to further disciplinary action under Part II of the Student Handbook.

It is the student's responsibility to:

1. Be responsive to all correspondence from TTUHSC El Paso;
2. Provide information relevant to the incident or situation in the event they choose to participate in the Title IX formal adjudication process;
3. Be honest and provide true and accurate information during the investigation;
4. Review the TTUHSC El Paso Student Handbook: Code of Professional Conduct in order to fully understand all aspects of the Title IX adjudication process.

### 13. Investigation Procedures

#### a. Intake and Initial Inquiry

Upon notice of alleged Sexual Misconduct, the Deputy Title IX Coordinator for Students will appoint a Title IX Investigator to review the allegations. The Deputy Title IX Coordinator for Students, in his or her sole discretion, may appoint more than one Title IX Investigator or co-investigators to review an allegation of Sexual Misconduct. Reported allegations of misconduct have varying degrees of complexity and severity. Therefore, the investigation and resolution procedures described below may vary. The appointed Title IX Investigator(s) will inquire, gather and review information about the reported student Sexual Misconduct and will evaluate the accuracy, credibility, and sufficiency of the information.

The Title IX Investigator will conduct an initial meeting with the Reporting Party and inform him/her of on and off- campus resources, immediate safety and security measures, procedural options, and TTUHSC El Paso's policy regarding retaliation. If the Reporting Party is not willing or able to submit his/her complaint in writing, notes taken by the Title IX Investigator may be used to initiate an investigation.

Incidents will not be forwarded to Formal Investigation unless there is reasonable cause to believe a policy has been violated. Reasonable cause is defined as some credible information to support each element of the offense, even if that information is merely a credible witness or Reporting Party statement. If it is determined that the information reported does not warrant an allegation, a policy warning letter may be issued to any individual involved to clarify the policy that was in question. Unsupported allegations with no credible information will not be forwarded to Formal Investigation.

When an initial report of misconduct by a third party does not identify the victim or the victim is not available, the Title IX Investigator will investigate the reported incident to fullest extent of the information available. When a Reporting Party is identified but is reluctant and/or refuses to participate in the investigative process and/or the Sexual Misconduct process entirely, TTUHSC El Paso will make every attempt to follow the wishes of the Reporting Party while weighing the interests of the University Community and the possibility of a continuing threat. If the Reporting Party does not want to participate in the investigative process but has no aversion to TTUHSC El Paso pursuing conduct action with respect to the named Responding Party, TTUHSC El Paso will proceed with the Sexual Misconduct process to the extent of the information available.

## b. Formal Investigation

A Title IX Investigator will conduct a thorough, reliable, and impartial investigation of the reported incidents, which may include meeting with the Party bringing the complaint, interviewing the Responding Party and any witnesses, collecting evidence, creating timelines, and receiving any additional relevant information.

When initial inquiry indicates a concurrent police investigation is occurring, the Title IX Investigator will, where possible, collaborate with the Texas Tech Police Department during investigation. Elements of this collaborative investigation may include the Title IX Investigator coordinating with responding officers at the scene of the incident, joint interviews with police detectives, and evidence sharing. The Title IX Investigator will never take physical custody of any physical or electronic evidence, but will work closely with the Texas Tech Police Department to inspect, analyze, and incorporate physical or electronic evidence into the Investigative report.

During the investigative process, Reporting Parties and Responding Parties are responsible for providing all information or evidence that they believe should be considered.

Once the investigative process is complete, the Title IX Investigator will compile the relevant information and evidence into an Investigation Report, which may include a timeline of the event(s), statements from interviews, physical and electronic evidence, a breakdown of the discrepancies in the various interviews, and credibility considerations. The Title IX Investigator will document any physical or electronic evidence in a manner that is conducive and un-obstructive to concurrent or forthcoming police investigations.

Reporting Parties and Responding Parties will have access to the completed Investigation Report and/or investigative materials relevant to the allegation(s) after the formal investigative process has concluded. In order to protect confidentiality, Reporting Parties and Responding Parties are not given copies or Investigation Reports and/or investigative materials.

## 14. Informal Resolution

If, after the Initial Inquiry or Investigation, the Responding Party accepts responsibility for the alleged violations of the Student Handbook, and the Reporting Party agrees, the Parties may choose to resolve the issue through the Informal Resolution process outlined below. The Informal Resolution

process is voluntary.

After completion of the Initial Inquiry or Investigation, the Deputy Title IX Coordinator for Students, will, in consultation with the appropriate TTUHSC El Paso dean, review the complaint and information gathered about the reported student Sexual Misconduct and, if applicable, propose findings and specify appropriate sanctions. The Deputy Title IX Coordinator for Students or his/her designee will send written notice to both the Reporting Party and the Responding Party of the proposed findings and sanctions. The Parties will have five (5) university working days to review the Informal Resolution and decide whether they would like to accept or decline the proposed findings and recommended sanctions. Agreement with the terms of the Informal Resolution is established by one of the two following ways:

- (1) A signature, or an electronic signature, by a Party or the Parties attesting to agreement with the findings and sanctions; or
- (2) No written objection by the Reporting Party or the Responding Party to the findings and sanctions within five
- (3) University working days of the date the proposed findings and recommended sanctions were sent to the Parties.

If both the Reporting Party and the Responding Party agree with the proposed findings and recommended sanctions, the matter is considered concluded. Additionally, if accepted, the Parties waive their right to a formal resolution, the process ends, the finding is final, and there is no appeal. The case will only be reopened if new material, previously unavailable is presented.

If either Party disagrees with or does not accept the proposed findings and/or recommended sanctions, then the case will proceed and a formal hearing process will take place.

## 15. Hearing Procedures

### a. Prehearing/Formal Allegations Assigned

Once the investigative process is complete, if the case is not otherwise resolved through Informal Resolution, the Reporting Party and the Responding Party will be given notice of a Pre-Hearing Meeting scheduled outside of the Parties' academic schedules. Should the Reporting Party or the Responding Party not participate in the Pre-Hearing, the conduct process may continue without their participation, including the assignment of allegations and Hearing. During this meeting, the Reporting Party and the



Responding Party will be given the opportunity to review the Investigation Report, relevant evidence, and other documents to be used in the Hearing. Other documents include notification of Responding Party's allegations, list of potential Hearing Officers panel, and Hearing Script. Following the Pre-Hearing, the Reporting Party and the Responding Party will be notified, via the notification procedures, outlined in in the Student Handbook of a date, time, and location of the Hearing.

While the Reporting Party and the Responding Party may identify errors in their own statements during the Pre- Hearing, they are not able to add additional information to the Investigation Report unless that information, in the judgment of the Title IX Investigator, was unavailable during the investigative process and is pertinent to the consideration of the case. If a Reporting Party or Responding Party discovers new, previously unavailable information during the time after the Pre-Hearing but before the Hearing, the Party should inform the Title IX Investigator immediately. If the new information is pertinent to the consideration of the case, the Title IX Investigator will determine whether the new information should be included in the Investigation Report or presented verbally during the Hearing. If there is new evidence introduced, other involved parties would also be given the opportunity to provide a response to any new evidence that will be presented in the Hearing.

Formal Allegations will be assigned during the Pre-Hearing per the information and evidence gathered during investigation. Allegations are assigned for deliberation in the Hearing by the Hearing Officers to determine the Responding Party's responsibility for misconduct. An Allegation Letter will be provided to the Responding Party in the Pre-Hearing Meeting or via other methods of notice. The Title IX Investigator will schedule the Final Hearing no sooner than five (5) university working days from the date of the last Pre-Hearing. The five-day period can be waived by the Deputy Title IX Coordinator for Students upon consultation with the involved Parties.

#### b. Hearing

After proper notice has been given to the Reporting Party and the Responding Party, TTUHSC El Paso may conduct a hearing and render a finding of Responsible or Not Responsible for the Responding Party's alleged misconduct and, if appropriate, decide appropriate sanctions, conditions, and/or restrictions. The Deputy Title IX Coordinator for Students shall appoint a panel of three (3) Hearing Officers to conduct a Hearing in accordance with Part IV of this Handbook. All persons serving as Hearing Officers shall be

oriented and trained to adjudicate a sexual misconduct case in accordance with this Handbook. If there is a conflict of interest, or appearance thereof, with one of the selected Hearing Officers, that person will recuse themselves and the Deputy Title IX Coordinator for Students shall appoint another person to the panel. Additionally, both the Reporting Party and the Responding Party may raise issues of conflicts of interest with regard to the potential Hearing Officer panel to the Title IX Coordinator or Deputy Title IX Coordinator for Students within three (3) university working days after notice has been given to the Parties of the panel members. The Title IX Coordinator will weigh these issues and resolve them accordingly. No party has a right to disqualify a Hearing Officer Panel member absent a demonstrated bias.

The Hearing may be held, regardless of whether the Reporting Party or the Responding Party fails to respond, attends the hearing or fails to attend the hearing. Should the Reporting Party or the Responding Party fail to attend the Hearing, the Hearing Officers may consider the information and render a decision.

Hearings are closed to the public. Both the Reporting Party and Responding Party have the right to be present at the Hearing; however, they do not have the right to be present during the deliberation of the Hearing Officers. Arrangements can be made so that Reporting Party and Responding Party do not have to be in the hearing room at the same time. To request changes in the scheduled hearing time, the Parties should contact the Deputy Title IX Coordinator for Students not less than three (3) university working days prior to the scheduled Hearing.

As provided in further detail in the Title IX Hearing Script, the Title IX Investigator presents the investigation report, evidence, witnesses, allegations, and questions for deliberation in the Hearing. The Hearing Officers may question the Title IX Investigator, Reporting Party, Responding Party and any witnesses through the Title IX Investigator. The Reporting Party and Responding Party do not have the right to question each other nor witnesses directly but may do so through the Title IX Investigator. The Reporting Party and Responding Party have the right to add or make additional comments about the facts of the case. Should new evidence be presented without prior discussion with the Title IX Investigator, the Hearing may be halted to consider the inclusion of this information. Impact statements will also be halted if they are shared prior to the sanctioning phase of the hearing. In the event the Hearing Officers remove a student due to misconduct in the hearing process (Reporting Party, Responding Party, or witnesses) the alleged misconduct will be forwarded to the Deputy Title IX Coordinator for Students or his/her designee. In regard to removal of the

student, the Deputy Title IX Coordinator for Students or his/her designee will forward the alleged misconduct to the appropriate student conduct administrator, who will follow the conduct process in Part II of the Student Handbook in regard to adjudication of the alleged misconduct.

Following the Hearing, the Hearing Officers will deliberate and will render a finding of Responsible or Not Responsible for the Responding Party's alleged misconduct as well as decide any sanctions, conditions and/or restrictions if applicable. The Hearing Officers will inform the Deputy Title IX Coordinator for Students in writing within five (5) university working days of the decision(s). Outcomes of the Hearing will be provided to the Reporting Party and the Responding Party in writing within five (5) university working days after the Hearing Officers inform the Deputy Title IX Coordinator for Students of their decision(s).

Either the Reporting Party or Responding Party may utilize Disciplinary Appeal Procedures outlined in sub-section "d" below.

#### c. Conduct Outcomes/Findings (Sanctions, Conditions, Restrictions)

The Hearing Officers may impose sanctions, including but not limited to those described in Part II of the Student Code, conditions and/or restrictions as a result of a Hearing where the Responding Party is found responsible.

If the allegation involves a student organization, the Hearing Officers may meet with a TTUHSC EL PASO staff member whose professional capacity involves the advising of the organization. This staff member may provide information relevant to potential sanctions, conditions, and restrictions for the Hearing Officer.

All records concerning a student or student organization related to the disciplinary process will remain on file with the Deputy Title IX Coordinator for Students for a minimum of seven (7) years from the date the case is completed through a Hearing and/or disciplinary appeal procedures.

#### d. Conduct Appeal Procedures

Either the Reporting Party or Responding Party may appeal the decision or the sanction(s), condition(s) and restriction(s) imposed by the Hearing Officers by submitting a written appeal to the Executive Vice President of Academic Affairs or his/her designee within five (5) university working days of receiving the written decision. The appeal must clearly set forth the grounds for the appeal, together with the evidence upon which the appeal is based. A

dis- agreement with the decision alone shall not constitute grounds for appeal. The only proper grounds for appeal, and the only issues that may be considered on appeal are as follows:

- i. A procedural [or substantive error] occurred that significantly impacted the outcome of the hearing (e.g. substantiated bias, material deviation from established procedures, etc.)
- ii. The discovery of new evidence, unavailable during the original hearing or review of the case, which could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included; and
- iii. The sanctions imposed substantially vary from the range of sanctions normally imposed for similar infractions.

The Deputy Title IX Coordinator for Students will provide the request for appeal to the other Party and provide opportunity for response.

The Vice President of Academic Affairs will review the appeal to determine if the appeal is timely and properly sets forth the appropriate grounds for appeal. If any of these requirements are not met, the appeal will be dismissed, and the original decision of the Hearing Officers will be final. If an appeal is granted, the results of the appellate process as outlined below will be final.

If the Vice President of Academic Affairs determines that new evidence should be considered, he/she may return the complaint to the original Hearing Officers to reconsider the new evidence, or may order a new Hearing. If new evidence is considered, the Hearing Officers may increase, decrease, or otherwise modify the sanctions, conditions, and/or restrictions. The Hearing Officers or designee will notify the student of the outcome in writing within eight (8) university working days of the decision. The decision is final and may not be appealed.

If a new Hearing is ordered, all hearing procedures in Part IV.C.15 will be followed. The Hearing Officers will notify the Reporting Party and Responding Party of the outcome in writing within five (5) university working days of the decision. The decision of the Hearing Officers is final and may not be appealed.

In those cases in which the error cannot be cured by the original Hearing Officers (i.e., some cases of bias), the Vice President of Academic Affairs or designee may order a new hearing with new panel of Hearing Officers.

If the Vice President of Academic Affairs determines that the sanctions imposed substantially vary from the range of sanctions normally imposed for similar infractions, the Vice President of Academic Affairs or designee may then increase, decrease or otherwise modify the sanctions,

conditions, and/or restrictions instead of returning the case to the original Hearing Officers or convening a new Hearing. The Vice President of Academic Affairs will notify the student in writing of the outcome within five (5) university working days of his/her decision. The decision of the Vice President of Academic Affairs is final and cannot be appealed.

The Deputy Title IX Coordinator for Students shall make all reasonable efforts to timely notify the Reporting Party and Responding Party of the status of the appeal throughout the appellate process, and shall make all reasonable efforts to notify the Parties as to the result of the appeal within five (5) university working days after the final decision is rendered.

#### 16. Follow up

a. After the finding(s) and sanctions become final and all appeals, if any, are exhausted, the Reporting Party shall be advised that if the complained of activity persists, the Party should contact the Deputy Title IX Coordinator for Students. Likewise, in the event the student believes retaliation for filing a complaint has taken place, they should contact the Deputy Title IX Coordinator for Students.

b. The Deputy Title IX Coordinator for Students will follow up with the Reporting Party within sixty (60) university working days after conclusion of the matter to ensure that the complained of behavior has ceased.

## **PART V. STUDENT RECORDS**

### **A. General Policy**

Policies and procedures concerning student records are based on respect for the privacy of the individual. To minimize the risk of improper disclosure, academic records are maintained separately from disciplinary records. (During the time of disciplinary suspension or expulsion, the notice is placed in the student's permanent file.) The conditions for access to each are set forth in the Student Handbook and complies with federal and state statutes and with registered student organization guidelines. The procedures set forth below apply to all persons formerly or currently enrolled at Texas Tech University Health Sciences Center El Paso.

### **B. Address of Record**

Students must maintain an accurate permanent address with the Office of the Registrar. The address is used for official notifications including billing and notification of official university requirements. Students should maintain a current local address and telephone number that is used by university officials, and/or student organizations and the campus community.

### **C. Student Access to Educational Records**

All current and former students of the university have the right to access their educational records as provided by law.

Notification of Rights under FERPA for Postsecondary Institutions The Family Educational Rights and Privacy ACT (FERPA) afford eligible students certain rights with respect to their education records. (An “eligible student” under FERPA is a student who is 18 years of age or older or who attends a postsecondary institution.) These rights include:

1. The right to inspect and review the student’s education records within 45 days after the day Texas Tech University Health Sciences Center El Paso receives a request for access.

A student should submit to the Office of the Registrar a request by completing and submitting HSCEPOP 77.13 Attachment B that identifies the record(s) the student wishes to inspect. The school official will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the school official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.

Generally, if the Education Record is covered under FERPA, the student may inspect or review the education record at the Office of the Registrar, but does not have the right to receive copies of the education record unless a student is effectively prevented from onsite inspection or review of his/her education record. The student may then have a right to receive copies of the education record at the student’s expense after evaluation of the circumstances by the Office of the Registrar. Official copies of academic records or transcripts will not be released for students who have a delinquent or unpaid financial obligation to the University, have a “hold” at the University, or have an unresolved disciplinary action pending at the University, provided that applicable law does not otherwise require disclosure of the records.

2. The right to provide written consent before the university discloses personally identifiable information (PII) from the student’s education records, except to the extent that FERPA authorizes disclosure without consent.

The school discloses education records without a student’s prior written consent under the FERPA exception for disclosure to school officials with legitimate educational interests. A school official is a person employed by the [School] in an administrative, supervisory, academic, research, or support staff position (including law enforcement unit personnel and health staff); a person serving on the board of trustees; or a student serving on an official committee, such as a disciplinary or grievance committee. A school official also may include a volunteer or contractor outside of the [School] who performs an institutional service of function for which the school would otherwise use its own employees and who is under the direct control of the school with respect to the use and maintenance of PII from education records, such as an attorney, auditor, or collection agent or a student volunteering to assist another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibilities for the [School]. [Optional] Upon request, the school also discloses education records without consent to officials of another school in which a student seeks or intends to enroll. [NOTE TO POSTSECONDARY INSTITUTION: FERPA requires a school to make a reasonable attempt to notify each student of these disclosures unless the school states in its annual notification that it intends to forward records on request.

3. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the [School] to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is:



Family Policy Compliance Office  
 U.S. Department of Education 400 Maryland  
 Avenue, SW Washington, DC 20202

4. A student may waive the right of access to confidential letters of recommendation in the areas of admissions, job placement and receipt of awards.
5. Personally identifiable information such as rank in class, personal conduct, grade point average, academic progress, etc., shall not be released to non-authorized personnel without the written consent of the student.

#### **D. Records Not Accessible to Students**

The following are records not accessible to students:

1. Records of instructional, administrative and educational personnel that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record;
2. Records of the Texas Tech Police Department, subject to the provisions of 34 C.F.R. 99.8;
3. Records relating solely to an employee of TTUHSC EL PASO in his/her capacity as an employee that are not available for any other purpose, unless the Student is employed as a result of his/her status as a Student;
4. Student medical and counseling records created, maintained, and/or used only in connection with providing medical treatment or counseling to the Student, that are not disclosed to anyone other than the individuals providing the treatment; and
5. Alumni records or other records that contain information about an individual after he/she is no longer a Student at that agency or institution (e.g., information gathered on the accomplishments of alumni).

#### **E. Disclosure of Education Records**

FERPA permits the disclosure of PII from students' education records, without consent of the student, if the disclosure meets certain conditions found in §99.31 of the FERPA regulations. Except for disclosures to school officials, disclosures related to some judicial orders or lawfully issued subpoenas, disclosures of directory information, and disclosures to the student, §99.32 of FERPA regulations requires the institution to record the disclosure. Eligible students have a right to inspect and review the record of disclosures. A postsecondary institution may disclose PII from the education records without obtaining prior written consent of the student –

1. To other school officials, including teachers, within Texas Tech University Health Sciences Center El Paso whom the school has determined to have legitimate educational interests. This includes contractors, consultants, volunteers, or other parties to whom the school has outsourced institutional services or functions, provided that the conditions listed in §99.31 (a)(1)(i)(B)(1) – (a)(1)(i)(B)(2) are met. (§99.31 (a)(1))
2. To officials of another school where the student seeks or intends to enroll, or



where the student is already enrolled if the disclosure is for purposes related to the student's enrollment or transfer, subject to the requirements of §99.34. (§99.31 (a)(2))

3. To authorized representatives of the U. S. Comptroller General, the U.S. Attorney General, the U.S. Secretary of Education, or State and local educational authorities, such as a State postsecondary authority that is responsible for supervising the university's State-supported education programs. Disclosures under this provision may be made, subject to the requirements of §99.35, in connection with an audit or evaluation of Federal-or-State-supported education programs, or for the enforcement of or compliance with Federal legal requirements that relate to those programs. These entities may make further disclosures of PII to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf. (§§99.31 (a)(3) and 99.35)
4. In connection with financial aid for which the student has applied or which the student has received, if the information is necessary to determine eligibility for the aid, determine the amount of the aid, determine the conditions of the aid, or enforce the terms and conditions of the aid. (§99.31 (a)(4))
5. To organizations conducting studies for, or on behalf of, the school, in order to:
  - (a) develop, validate, or administer predictive tests; (b) administer student aid programs; or (c) improve instruction. (§99.31 (a)(6))
6. To accrediting organizations to carry out their accrediting functions. ((§99.31 (a)(7))  
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7. To parents of an eligible student if the student is a dependent for IRS tax purposes. (§99.31 (a)(8))
8. To comply with a judicial order or lawfully issued subpoena. (§99.31 (a)(9))
9. To appropriate officials in connection with a health or safety emergency, subject to §99.36. (§99.31 (a)(10))
10. Information the school has designated as "directory information" under §99.37. (§99.31 (a)(11))
11. To a victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense, subject to the requirements of §99.39. The disclosure may only include the final results of the disciplinary proceeding with respect to that alleged crime or offense, regardless of the finding. (§99.31 (a)(13))
12. To the general public, the final results of a disciplinary proceeding, subject to the requirements of §99.39, if the school determines the student is an alleged perpetrator of a crime of violence or non-forcible sex offense and the student has committed a violation of the school's rules or policies with respect to the allegation made against him or her (§99.31 (a)(14)).
13. To parents of a student regarding the student's violation of any Federal, State, or local law, or of any rule or policy of the school, governing the use of possession of alcohol or a controlled substance if the school determines the student committed a disciplinary violation and the student is under the age of 21. (§99.31(a)(15))

## F. Student's Request to Amend Records

Students have the right to request an amendment of their educational records and information directly

relating to them. This section does not include procedures for students challenging individual grades. Grade appeal and grievance procedures are set forth in the individual Student Handbooks for each School and the TTUHSC El Paso Student Handbook/Code of Professional Conduct. The request is limited to inaccurate, misleading or otherwise inappropriate records and information. The procedures set forth below shall be followed to amend the records.

1. Student who believes that his/her Education Records are inaccurate or misleading, or that the records violate his/her privacy rights, must first request an informal discussion regarding the questionable item with the Office of the Registrar, who may or may not honor the request.
2. If the result of the informal discussion with the Office of the Registrar is not satisfactory to the Student, and the Student still wishes to have the record corrected, the Student should submit a Student Request to Amend Education Records form HSC OP 77.13 -Attachment C to the Assistant Vice President for Student Services or designee. The request shall clearly identify the part of the record the Student believes should be changed, and specify why it should be changed, i.e., why the Student believes the record is inaccurate, misleading or in violation of his/her privacy rights. **[Note: The substantive judgment of a faculty member regarding a Student's work, expressed in grades or evaluations, is not within the purview of the right to seek amendment of Education Records under this section. This section does not include procedures for Students challenging individual grades. Grade appeal and grievance procedures are set forth in the individual Student handbooks for each School and the TTUHSC El Paso Student Handbook/ Code of Professional Conduct.]**
3. After receiving the written request from the Student for a change in his/her Education Records, the Assistant Vice President for Student Services or designee shall request, and the Office of the Registrar shall provide, a written statement that explains why the request for the change in the Education Record was denied at the informal stage. After reviewing the request by the Student and the response of the Office of the Registrar, the Assistant Vice President for Student Services or designee will provide written notification to the Student whether or not TTUHSC El Paso will implement the change. If not, the SVPAA or designee will notify the Student of the right to a hearing to challenge the information believed by the Student to be inaccurate, misleading, or in violation of the Student's rights.
4. Upon receiving a written request from the Student for a hearing, the Assistant Vice President for Student Services or designee shall arrange for a hearing and provide written notice to the Student reasonably in advance of the date, time and place of the hearing. The hearing will be conducted according to the following procedures:
  - a. The hearing shall be conducted by a hearing official or committee appointed by the President or designee. Such individual(s) must have no direct interest in the outcome of the case and shall decline to serve if a conflict of interest, or an appearance of a conflict of interest, exists with either the Student or the Office of the Registrar.
  - b. At least five (5) days prior to the date scheduled for the hearing, the Student and the Office of the Registrar, shall submit to each other, as well as to the hearing official or committee, any and all pertinent documents and a list of witnesses and advisors who are to be involved in the hearing process. The Student may, at his/her own expense, be assisted or represented by one or more individuals of his/her own choice, including an attorney. If the Student has an advisor, the Office of General Counsel shall represent the University. The Student and the Office of the

Registrar are each responsible for presenting relevant information. Therefore, the advisors and/or attorneys for the Parties are not permitted to speak or participate directly in the hearing.

c. At the hearing, the Student shall have the opportunity to present evidence to support his/her position that the content of the relevant educational record is inaccurate, misleading and/or otherwise in violation of the privacy rights of the Student.

d. Any additional information regarding the hearing procedures will be provided to the Student when notified of the right to a hearing.

e. Within seven (7) business days after the conclusion of the hearing, the hearing officer or chair of the hearing committee, if applicable, will transmit the decision in writing to the Student, the Office of the Registrar, and the Assistant VP for Student Services or designee. The decision must include a summary of the evidence and the reasons for the decision. If, as a result of the hearing, the hearing official or committee determines that the information in the Education Record is not inaccurate, misleading, or otherwise in violation of the privacy rights of the Student, the Student will be notified of the right to place a statement in the record contesting the information in the record or stating why the Student disagrees with the decision of the agency or institution, or both. Any statement provided by the Student shall be maintained with the contested portion of the record for as long as the record is maintained. In the event the contested portion of the record is later requested, the statement shall be disclosed with the record to the extent it pertains to the contested portion.

## **G. Release of Student Directory Information**

The following student information is considered Texas Tech University Directory Information:

1. Student Name
2. Permanent and Local Addresses
3. Telephone Numbers
4. Classification
5. Major Field of Study
6. Dates of Attendance
7. Degrees, Awards, and Honors Received
8. Specific Enrollment Status
  - a. Full-time, Part-time, Half-time
  - b. Undergraduate, Graduate
9. Participation in Officially Recognized Sports and Activities
10. Previous Institutions Attended
11. Postgraduate Training/Clinical sites for R.N., M.D., or Ph.D. graduates and degree candidates

This information will be released by various campus offices periodically, or on request, unless the student stipulates that directory information (as defined above) be withheld. Students may request that directory information be withheld by submitting a completed HSCEP OP 77.13 Attachment A, Student Consent to Release Education Records, or by restricting personal directory information at [www.WebRaider.TTUHSCEIPaso.edu](http://www.WebRaider.TTUHSCEIPaso.edu) on the MyTech tab. Students should select the Directory

Profile link located under Personal Information and uncheck the box next to their name. The publication known as the Texas Tech Campus Directory is one type of printed periodical containing data classified as “directory information”. To restrict directory information from appearing in the printed directory, students must go to WebRaider and restrict directory information **prior** to the 12th class day in the fall term. Restricted directory information will remain restricted until the students unrestricts the information.

## **H. Destruction of Records**

The university constantly reviews the “educational records” it maintains and periodically destroys certain records. The university will not destroy records if prohibited by state or federal law. The student’s basic scholastic record is kept and maintained permanently in the Office of the Registrar. Disciplinary records are maintained for at least seven years in the Associate Dean for Student Affairs office. Student Disability Services records are maintained for three years after the last date of enrollment.

## **I. Letters of Recommendation**

1. Students may review recommendations used in application for employment or for admission to any educational agency or institution, or information concerning honors awarded, except when the student waives, in writing, the privilege of examination.
2. Under the Family Educational Rights and Privacy Act 1974, as amended, the student does not have access to confidential letters and statements of recommendation which were placed in the educational records before January 1, 1975, if the letters or statements are used for purposes for which they were specifically intended.

## **J. Medical Records**

Medical records are maintained for students seen by a TTUHSC El Paso faculty at Texas Tech Physicians at Hague or other Texas Tech clinics. Information contained in the medical record is completely confidential and will not be released to another person or institution without written permission of the student unless otherwise authorized by law. Students needing to request a copy of their medical records should contact the office where they received care.

## **PART VI. REGISTRATION OF STUDENT ORGANIZATIONS**

### **A. Conditions for Registration**

1. Student organizations wishing to register with the Texas Tech University Health Sciences Center El Paso must file an application with the Office of Student Services. The purposes and activities of the organization shall be lawful and not in conflict with regulations published by the Texas Tech University Health Sciences Center El Paso.
2. This application shall contain, but not be limited to, the following information:
  - a. A statement of the organization’s purposes;
  - b. Any present or intended relation the organization may have to any other local, state, or national organization;

- c. The organization's proposed activities;
- d. A list of the organization's officers;
- e. A copy of the organization's constitution/bylaws;
- f. A copy of the constitution/bylaws of any related organization if any; and,
- g. The signature, title, and campus address of a full-time member of the faculty or staff indicating his or her willingness to serve as the advisor to the organization.
- h. The purposes and activities of the organization shall be lawful and not in conflict with regulations published by TTUHSC El Paso.

3. Membership in the organization shall be open only to students of Texas Tech University Health Sciences Center El Paso without regard to race, religion, sex, handicap or national origin, except in cases of designated fraternal organizations which are exempted by federal law from Title IX regulations concerning discrimination on the basis of sex. Faculty and staff may hold adjunct memberships in accordance with the organization's constitution.

4. The organization shall not duplicate the purposes and functions of a previously registered organization unless need for such duplication is substantiated.

5. All funds allocated to the organization from TTUHSC El Paso controlled sources must be maintained in a TTUHSC El Paso account.

6. The organization shall show promise of effectively meeting its stated objectives, be free from control by any other organization and be lawful and peaceful in its activities.

7. The organization shall not use the name of the Texas Tech University Health Sciences Center El Paso, logotype, or symbols of TTUHSC EL PASO as part of its name in its publications. In addition, the organization shall not advertise or promote events or activities in a manner, which suggests sponsorship by TTUHSC EL PASO. The organization is permitted to use the word "TTUHSC El Paso Chapter" as part of its name or to use the complete statement "a registered student organization at TTUHSC EL PASO." Requests to use logos or symbols protected by TTUHSC El Paso, Texas Tech University or the Texas Tech University System shall be submitted to Office of Communications and Marketing

Registration of an organization results from compliance with these regulations; it does not imply TTUHSC El Paso approval of the organization or its activities. The organization shall agree to adhere to the policies, rules, and regulations of TTUHSC El Paso.

## **B. Faculty or Staff Advisor**

Each registered organization shall have a TTUHSC El Paso full-time faculty or staff advisor to be available to the officers and members for consultation about the organization's affairs, to attend organization meetings and functions as often as possible, to certify the expenditures of the organization to offer suggestions regarding the operations of the organization and to oversee adherence to TTUHSC El Paso regulations and the organization's constitution and bylaws.

### **C. Conditions for Maintaining Registration**

1. In order to maintain its registration, a student organization shall comply with the following requirements:

a. The organization shall file a list of its current officers and advisor within one (1) month of the first day of classes of the fall semester each year. The current president of the organization, or his or her designated representative shall file notification of subsequent changes, when such changes occur.

b. The organization shall submit to the TTUHSC El Paso Office of Student Services for approval, all changes in documents on file in that office relating to the organization, such as revisions in its constitution, changes in its statement of purpose, changes in procedures for handling organization funds or changes in membership requirements.

c. The organization shall maintain its funds in accordance with Section A of this part and be in good standing with the Texas Tech University Health Sciences Center El Paso.

d. The organization shall demonstrate by its activities that it is conducting business to achieve its purpose as stated on the application.

e. The organization shall conduct its affairs in a lawful manner, in accordance with the constitution and bylaws it has on file, and in accordance with applicable Texas Tech University Health Sciences Center El Paso regulations and state statutes.

f. The organization shall be responsible for the observance of all applicable TTUHSC El Paso regulations by off-campus individuals or organizations whose appearance on campus is sponsored by the organization.

g. The Office of TTUHSC El Paso Student Services may withdraw the registration of an organization for non-compliance with University policies and procedures.

### **D. Denial of Registration**

1. No student organization will be officially registered with the Texas Tech University Health Sciences Center El Paso if the Office of Student Services determines that the organization's actions or activities are detrimental to the educational purposes of the University or not in accordance to the Student Handbook.

2. If registration is denied, the designated president and advisor of the applying organization shall be notified of the decision by the Office of Student Services in writing. The applying organization may appeal in writing to the Assistant Vice President for Student Services within five (5) business days from the date of the denial letter. The decision of the Assistant Vice President for Student Services is final.

## **PART VII. USE OF UNIVERSITY SPACE, FACILITIES AND AMPLIFICATION EQUIPMENT**

### **1. Space and Facilities**



- a. The space and facilities of the University are intended primarily for the support of the instructional program of the institution. Second priority is given to programs sponsored and conducted by University academic and administrative departments or organizations affiliated with those departments. Beyond these two priorities, use of campus space and facilities is permitted and encouraged for activities which are intended to serve or benefit the entire University community.
- b. Outside individuals or groups who are not faculty, staff or a currently enrolled student may attend functions held on TTUHSC El Paso property, but to be eligible for use of campus facilities, the function must be sponsored or cosponsored by, and affiliated with, a recognized TTUHSC El Paso department or registered student organization. Sponsorship and/or co-sponsorship minimally include, but are not limited to, participation in, planning, coordination, and implementation directly by members of the sponsoring organizations. Sponsors are directly responsible for ensuring that activities and events comply with TTUHSC El Paso requirements for liability insurance, hold-harmless agreements, financial responsibility for property damage, etc.
- c. Permission to use campus space facilities may be granted only by the offices designated by TTUHSC El Paso OP 61.07, *Use of TTUHSC El Paso Premises and Amplification Equipment*. A department, student or registered student organization may not reserve space or facilities on campus and permit it to be used by a non-registered organization or off-campus group or person.
- d. TTUHSC EL PASO reserves the right to move the location of any assembly should it appear that the activity might interfere with the normal operations of TTUHSC El Paso or interfere with the rights of others. The use of buildings, grounds or TTUHSC El Paso property must conform to these regulations and to local, state and federal law.
- e. Although TTUHSC El Paso is generally an open campus for purposes of student, faculty and staff free expression activities, students, faculty and staff are encouraged, and person and groups not affiliated with TTUHSC El Paso are required, to use the Forum Areas of the campus for free expressions activities. Forum Areas for each campus are set forth in TTUHSC El Paso OP 61.07, *Use of TTUHSC El Paso Premises and Amplification Equipment*.
- f. With the exception of free expression activities mentioned above, reservations must be made for the use of TTUHSC El Paso premises and must be in accordance with TTUHSC El Paso OP 61.07, *Use of TTUHSC El Paso Premises and Amplification Equipment*. The term "TTUHSC El Paso premises" includes all land, buildings, facilities and other property in the possession of or owned, used or controlled by TTUHSC El Paso (including adjacent streets and sidewalks).

## **PART VIII. SOLICITATIONS, ADVERTISEMENTS AND PRINTED MATERIALS**

Solicitation and sales and services on University premises or in University-owned or University-controlled buildings are prohibited without prior written approval from the Office of Student Services. This includes financial planners, mortgage vendors and other financial services. The distribution of advertising leaflets or handbills or the use of sound trucks and equipment to promote sales on University premises is also prohibited without prior approval from the Office of Student Services.



## **PART IX. STUDENT TRAVEL POLICY**

### **A. TTUHSC EL PASO OP 77.08, Student Travel Policy**

1. TTUHSC EL PASO OP 77.08 regulates any travel undertaken by one or more students presently enrolled at TTUHSC El Paso to an activity or event that is located more than 25 miles from the campus of TTUHSC El Paso. This Operating Policy (OP) applies to any event or activity which is organized, sponsored and/or funded by TTUHSC El Paso, is undertaken using a vehicle owned or leased by the university or is a required event or activity by a student organization registered at TTUHSC El Paso.

2. Modes of travel by students to events or activities as defined above include:

- a. personally-owned vehicles;
- b. rental cars, vans, chartered buses;
- c. commercial airlines; and
- d. use of TTUHSC El Paso-owned vehicle.

3. The purpose of this policy is to help minimize the risks of liability connected with motor vehicle travel by University students. The policy applies to the use of the above modes of travel to any activities directly related to the academic, research and/or administrative responsibility of the department involved. This policy also applies to travel undertaken by one or more students presently enrolled at the University to reach a University-related activity located more than 25 miles from the University. It applies to travel required by a registered student organization.

### **B. Travel Using University-Owned Vehicles**

1. Appropriate Use. Only persons who are acting within the course and scope of University-related activities should use University vehicles.

2. Drivers. Because of the risks of personal injury, it is required that only those persons whose names appear on the approved driver's list be asked or allowed to use University-owned motor vehicles. If students will be using state-owned or rental vehicles, the following is required:

- a. The requesting department or unit must place students who drive on behalf of the University on the approved driver's list.
- b. Qualifications for drivers of all University or rental vehicles are as follows:
  - i. Must possess a valid (Texas or other U.S. state) driver's license, be at least 18 years of age and have held a valid license for at least two years;
  - ii. Must have available documentation of current personal insurance;
  - iii. Must sign a disclosure statement;
  - iv. Must not have any moving violations within the last 18 months,
  - v. Are required to report any driving violations to their immediate supervisor as soon as possible. This includes violations that occur while driving a vehicle not owned by the University; and

- vi. Must not have had any violations for drunk driving, driving under the influence of drugs or reckless driving. Must not have had a reinstated license in effect for less than one year after a revocation.
- vii. Must be able to provide documentation of current personal automobile liability insurance

c. Additional qualifications for drivers of vans equipped for 15 passengers are:

- i. Must be at least 21 years of age;
- ii. Must comply with Motor Vehicle check on an annual basis;
- iii. Must successfully complete a driver training course;
- iv. Must attend retraining annually; and
- v. Must not have any moving violation in the last 18 months.
- vi. must successfully pass a drug test

### 3. Operator Conduct.

a. Operators of University vehicles must take a 15-minute break every 3 hours and may drive no more than 10 hours in a 24-hour period. When the vehicle driven is a van with passengers, a second person must remain awake at all times and ride in the front passenger seat.

b. Those who operate a University vehicle represent the University to the general public. The image conveyed does affect the University; therefore:

- i. DO NOT use University vehicles for personal transportation or business;
- ii. DO NOT allow alcoholic beverages or narcotics to be transported or consumed in any University vehicle;
- iii. DO NOT pick up hitchhikers or transport family members;
- iv. DO NOT allow the vehicle to become unnecessarily dirty and present an unfavorable image to the general public;
- v. DO observe all traffic rules and regulations;
- vi. DO drive carefully, safely, and courteously;
- vii. DO require driver and all passengers to use seat belts and other appropriate occupant restraints at all times the vehicle is being operated;
- viii. DO NOT operate the vehicle unless all occupants are wearing the appropriate restraints; and,
- ix. DO NOT allow the number of passengers to exceed the authorized capacity of the vehicle.
- x. Are restricted the use of a cell phone use while operating vehicle

c. When a vehicle is damaged through operator misuse or operated by a person under the influence of alcohol or narcotics, the operator shall provide a complete statement of the circumstances and a copy of the police report to the department head for appropriate administrative action. Citations for all parking and traffic violations will be the personal responsibility of the operator.

d. Use common sense when driving. For road trips of 100 miles or more, share the driving, if possible, and take frequent breaks.

### 4. Accidents.

The following procedures should be followed whenever a University vehicle is involved in an accident, regardless of the extent of damage.

- a. Stop immediately and notify local police so that an official report can document the accident;
- b. Take necessary steps to prevent another accident;
- c. Use the motor pool card with instructions on the front and numbers to call on the back;
- d. Call a doctor, ambulance, or emergency medical team, if necessary. Render aid to the injured until help arrives;
- e. Get names and addresses of all witnesses;
- f. Provide all required information to the police officer;
- g. Notify the department head or supervisor (if you are unable to contact or reach someone, contact the Texas Tech Police Department); and,
- h. Refer to TTUHSC El Paso OP 76.34, *Accidents Involving University Vehicles*, for the completion of required vehicle accident documentation.

### **C. Travel Using Personal Vehicles**

1. **Transportation Generally.** The University recognizes that students occasionally use personal vehicles while engaged in University-related activities on campus and in the local area. Because personal automobile insurance will be looked to first in the event of an accident, all persons who use their personal vehicles while conducting University business should be made aware of the possibility of personal liability related to such use. No University coverage for personal injuries is available to students if they drive their personal vehicles on university-related activities as defined hereinabove.

2. **Reimbursement for Costs.** Mileage costs related to any significant use of personal vehicles to conduct University-related business unrelated to required academic experiences, e.g. clinical rotations, clerkships, etc. will not be reimbursed.

3. **Use of Personal Vehicles Not Required.** No individual shall be required to use a personal vehicle to perform University-related activities with the exception of clinical affiliation sites.

4. **Policy Concerning Use of Personal Vehicles by Students.**

a. Use of personal vehicles by students to drive to University-related activities is discouraged.

b. If students use their personal vehicles, and/or transport other students as passengers, their personal insurance will be primarily responsible for any liability that may arise from such use.

c. No University coverage for personal injuries is available to students if they drive their personal vehicles on University-related activities as defined here in above.

### **D. Policy Concerning Student Releases and Medical Authorization**

Each student who travels by any form of transportation to participate in a University- related activity, including but not limited to academically-related field trips, courses, competitions, or contests, or non-academic activities, must, prior to such activities, execute a copy of the Release and Indemnification Agreement and the Authorization for Emergency Medical Treatment.

### **E. Guidelines Concerning Safe Travel Practices**

1. Each administrative unit approving University-related travel, especially travel that involves students, is encouraged to promulgate guidelines that encourage safe driving and minimize risks of injury during that travel.
2. Registered student organizations are free to make such off-campus trips as are deemed worthwhile by the membership and sponsors of the organization. Students and their parents should understand that participation in such off-campus trips and activities is at the students' own risk. If personal injury or accident should occur to students or other persons during such activities, TTUHSC El Paso, Texas Tech University or Texas Tech University System will assume no responsibility, financial or otherwise.
3. Faculty and staff sponsors and organization officers are urged to take all possible precautions to ensure the safety and well-being of all persons participating in off-campus activities.
4. There is no official registration procedure for official off-campus trips, and there are no official excused class absences for students who participate in off-campus trips sponsored by student organizations. Students will be responsible for making their own individual arrangements with instructors for class work missed while participating in an off-campus trip. Instructors may set their own requirements for class work missed under such circumstances: they must grant students an opportunity to make up all course work missed while participating in an official off-campus trip.
5. Please refer to the TTUHSC El Paso Travel Office and the Office of Global Health for information regarding travel abroad.

### **PART X. MISCELLANEOUS POLICIES**

A. Policies and procedures for certain items, including, but not limited to, academic advisement, academic review, appeals, attendance in academic courses, auditing courses, clinical attire, grades, promotions/dismissal, grievance procedures and student employment may be referenced in the various Schools' student handbooks and/or catalogs.

#### **1. Absences**

Please refer to the individual School's catalogs and/or handbooks for more specific details relating to your program.

#### **2. Academic Requirements**

Academic requirements vary with each TTUHSC El Paso School and particular degree program

in which the student is enrolled. Students should consult with their respective School's academic/program advisor and/or School's catalog for specific details.

### 3. Admissions and Applicants

The educational policies of the TTUHSC El Paso are founded upon the regulations of the Board of Regents of the Texas Tech University System. TTUHSC El Paso is an upper-level, graduate, and professional study institution. The application and admissions policies for TTUHSC El Paso are outlined in the individual Schools' catalogs.

Most programs at TTUHSC El Paso have a deadline for receipt of applications and supporting documents. These deadlines vary by program and application year. Applicants are advised to contact the program to which they are seeking admission for specific deadline dates.

### 4. Adding and Dropping Courses

Consult with your academic department for deadline dates for adding and/or dropping courses. Students should make an appointment with his/her advisor to complete appropriate documentation. Students dropping a course to the point of zero hours of enrollment are considered to be withdrawing from the School's program. Please refer to the individual Schools' catalogs and/or handbooks for more specific details relating to your program.

### 5. Affiliation

The Student Government Association is the official organization representing students. Students may identify with off-campus programs and activities as individuals, but not as representatives of the student body.

### 6. Attendance

The faculty member responsible for the course determines attendance requirements for each course. A student who fails to attend any class for any reason is responsible for the material presented in class, assignments, examinations, announcements, etc. to the same extent as though the student had attended the class. Please refer to the individual School's catalogs and/or handbooks for more specific details relating to your program.

### 7. Bacterial Meningitis

a. *General.* Meningococcal disease is a potentially life-threatening infection caused by the bacterium *Neisseria meningitides*. Bacterial meningitis is an inflammation of the membranes that surround the brain and spinal cord. This disease affects approximately 3000 Americans each year, including 100-125 people on college campuses, leading to 5-15 deaths per year among college students.

b. *Risks and Exposures.* The organism is spread from person-to-person through the exchange of respiratory and throat secretions such as coughing and kissing. Sharing cigarettes, water bottles, eating utensils and food, may increase your exposure. Resident Hall-style living may also play a role as crowded environments facilitate the spread of the infection.

c. *Symptoms and Diagnosis.* Early diagnosis is important. Your healthcare provider may use a combination of clinical symptoms and laboratory tests to diagnose the disease. Seek medical attention immediately if one or more of these symptoms appear:

- i. High fever
- ii. Severe Headaches
- iii. Vomiting
- iv. Light sensitivity
- v. Stiff neck
- vi. Nausea
- vii. Lethargy
- viii. Seizures
- ix. Confusion and sleepiness
- x. Rash or purple patches on skin

d. *Possible Treatment and Consequences If NOT Treated.* Antibiotic treatment may be effective if exposure and disease is detected early. Possible consequences of the disease, include, but are not limited to:

- i. Permanent brain damage
- ii. Kidney failure
- iii. Learning disability
- iv. Gangrene
- v. Coma
- vi. Convulsions
- vii. Hearing loss
- viii. Blindness
- ix. Limb damage that may require amputation
- x. Death

e. *Prevention.* Vaccinations may be effective against 4 of the 5 most common bacterial types that cause 70% of the disease in the United States. Vaccinations typically take 7-10 days to become effective, with protection lasting 3-5 years. The vaccination is generally safe--most common side effects may include redness and minor pain at the injection site for up to two days.

f. *Information.* If you have more questions, contact:

- i. Your healthcare provider
- ii. Your local or regional Texas Department of Health
- iii. Texas Tech Physicians at Hague 915-215-5810
- iv. TTUHSC EL PASO Office of Occupational Health 915-215-4429.
- v. Visit these web sites for more information -  
[www.cdc.gov/ncidod/dbmd/diseaseinfo](http://www.cdc.gov/ncidod/dbmd/diseaseinfo) or [www.acha.org](http://www.acha.org)

Medical and Religious Exemptions  
2010-2011 Texas Vaccine Exemption Information

State of Texas law grants and acknowledges the right of parents to exempt their children from

vaccination requirements for day care, school, and college for reasons of conscience including a religious belief or for medical reasons. In 2003, the Texas legislature passed changes to the statutes expanding the reasons a parent can claim an exemption but the Health Department has questionably also increased the bureaucratic red tape necessary for claiming the exemption. There are specific procedures for requesting an official state form and submitting it to the school or for completing a medical exemption that all take some time so please do not wait until the last minute to get your papers in order.

For everyone claiming an exemption for the first time after 9/1/03, you must comply with the new law. If you've submitted an old religious exemption prior to 9/1/03, you are grandfathered under the old law (see notes below) and do not need a new form. The vaccine exemption forms for reasons of conscience including a religious belief are only for students claiming a vaccine exemption for the first time after 9/1/03 when the new law went into effect. If you need to request forms from the state health department, you can do it by fax, mail, personal visit, or through an online submission form. If you send your request by mail, we suggest sending it registered mail with a receipt so you can keep track of your request. If you send it by fax, set your fax machine to print out a delivery receipt. We would like to keep track of the Health Department's processing time.

According to the Texas Dept. of State Health Services: Online requests must be made through the web submission form posted at <http://webds.dshs.state.tx.us/immco/affidavit.shtm>.

## 8. Required Immunizations

In order to protect the health of our students and the health of the patients with whom they come in contact, TTUHSC EL PASO requires **all entering students** to provide documentation of all immunizations as required by their respective schools. Immunization requirements are based on regulations, guidelines and recommendations available as of October, 2012 from the Texas Administrative Code (TAC), Texas Department of State Health Services (DSHS), the U.S. Centers for Disease Control and Prevention (CDC), and the U.S. Advisory Committee for Immunization Practices (ACIP). The meningitis requirement must be sent in immediately and all other requirements must be met prior to orientation

### I. Tuberculosis Surveillance

Tuberculosis surveillance for Covered Individuals is based on current U. S. Department of Health and Human Services, *Centers for Disease Control and Prevention (CDC) Recommendations and Reports(December 30, 2005, 54 (#RR-17):1-147), Guidelines for Preventing the Transmission of Mycobacterium tuberculosis in Health-Care Settings.*

### II. Immunizations

Immunization requirements are based on regulations, guidelines and recommendations available as of October, 2009 from the Texas Administrative Code (TAC), Texas Department of State Health Services (DSHS), the U.S. Centers for Disease Control and Prevention (CDC), and the U.S. Advisory Committee for Immunization Practices (ACIP). See attached CDC *Healthcare Worker Vaccination Recommendations* (2011).

### III. Exposure Management



Institutional management of exposure to: (1) blood-borne pathogens, (2) body fluids and, (3) other miscellaneous exposures is based on regulations, guidelines and recommendations available as of October, 2009 from the Texas Administrative Code (TAC), Texas Department of State Health Services (DSHS), the U.S. Centers for Disease Control and Prevention (CDC).”

## 9. Working with Affiliated Entities-Student Drug Screenings, HSCEP OP 77.15

### 1. Defined Terms

For purposes of this policy the term “Student” does not include residents in the Paul L. Foster School of Medicine

### 2. Background

TTUHSC EL PASO enters into affiliation agreements with various health care clinical entities (“Affiliated Entities”), such as hospitals and other facilities, in order to provide clinical experience opportunities for its students enrolled in TTUHSC EL PASO clinical education programs.

Affiliated Entities may establish more stringent standards for students who wish to do a clinical rotation at the affiliated entity, than those required by TTUHSC EL PASO as part of its admission process. Affiliated Entities may require students, among other things, to undergo and satisfactorily pass additional background checks and/or drug screenings as a pre-requisite to participating in a clinical rotation at the Affiliated Entity.

Clinical rotations are an essential element in certain degree programs’ curricula. Students who cannot participate in clinical rotations due to a positive drug screening may be unable to fulfill the requirements of a degree program.

TTUHSC EL PASO schools may NOT mandate this requirement for all students. It applies solely to those students who must fulfill the requirement for participation in a clinical rotation at an Affiliated Entity.

### 3. Clinical Placement.

Placements at Affiliated Entities for clinical rotations will be based on the learning objectives as defined by each program consistent with the learning objectives of each student. Determination of unacceptable results of a drug screening will be made by the Affiliated Entity. Any student placed with an Affiliated Entity that requires additional background checks and/or drug screens, who cannot meet these requirements, must discuss all available options with their School’s Office of Student Affairs or their designee.

Affiliated entities may conduct their own drug screening. If the student fails the drug test and is consequently denied externship placement, s/he shall be subject to disciplinary action in accordance with the TTUHSC EL PASO policies.

### 4. Responsibility of the School The student’s School shall:

- a. Notify the student of the Affiliated Entity’s requirements for a drug screen, to include the type(s) of drug screen required by the Affiliated Entity, deadlines to meet the Affiliated Entity’s requirements, a list of approved drug screen testing vendors, and a completed Authorization, ,” for signature by the student.

- b. Receive the student's drug screen test results, which shall be maintained in a confidential, locked file separate from the student's primary educational records.
- c. Notify and ensure the Affiliated Entity that all students prior to their clinical rotation have met their drug screening requirements.

#### 5. Responsibility of the Student

- a. The student shall pay for the cost of any and all drug screening required by an Affiliated Entity that is designated for student matriculation by TTUHSC EL PASO provided articles *b, c, d*, below are met. The student shall be responsible for the cost of any necessary re-test or subsequent tests at TTUHSC EL PASO designated Affiliated Entity(s) and any drug screening required by an Affiliated Entity selected for matriculation by the student.
- b. The student shall complete the drug screen prior to the deadlines provided by the School and meet the guidelines of the Affiliated Entity. Failure to complete the drug test prior to the deadlines may result in an additional expense to the student, and/or delay in, or denial of, rotation in the Affiliated Entity.
- c. The student shall use a drug screen vendor from the designated vendors provided to the student by his/her School and/or the Affiliated Entity. 1) Results from a vendor NOT on designated by the School and/or Affiliated Entity will not be accepted and the student shall be required to have the drug screening test(s) conducted by an approved vendor.
- d. The student will be required to sign a valid consent and authorization, consenting to the drug screening and giving the vendor performing the test permission to provide the drug screen test results to the person designated by the School to receive student drug screen tests results under this policy.

#### 6. Student Refusal to Consent to Drug Screen

Any student who fails or refuses to consent to a drug screen required by an Affiliated Entity to which the student has been assigned by his/her School shall be subject to disciplinary action in accordance with the TTUHSC EL PASO Student Handbook/Code of Professional and Academic Conduct, the Schools' written policies, if any, and this policy.

#### 7. Period of Validity – Drug Screen Results

- a. Unless otherwise required by an Affiliated Entity, drug screen test results will generally be valid for the time the student is in the program within the School unless there is a break in enrollment, defined as not enrolled for one full semester.
- b. Students may be required to undergo drug screening more than once depending on the requirements of each Affiliated Entity in which the student is placed to meet their learning objectives or the number of Affiliated Entities at which the student is placed.

#### 8. Drug Screen Results

- a. Diluted Specimen. Should the vendor report that the screening specimen was diluted, thereby precluding an accurate drug screen test, the student, at his/her expense, will be required to complete and successfully pass a new drug screen test.
- b. Negative Drug Screen Results. The School which receives the student's drug screen test results, may release negative drug screen test results to the student, provided the

student has signed the appropriate release form, HSCEP OP 77.15-Attachment A.

c. Positive Drug Screen Results.

- i. A positive drug screen is any instance in which a drug screen report shows a positive test for one or more of the drugs on the panel required by the Affiliated Entity.
- ii. Any student with a positive drug screen will not be placed in any clinical facility pending review and outcome of appeal with the vendor.
- iii. The student has the right, at his/her expense, to request an independent review of any positive drug screen, by an independent Medical Review Officer, provided by the vendor. There will be an additional charge if review by the Medical Review Officer is requested, and the student is responsible for all costs related to this review.
- iv. Any appeal based on a positive drug screen is solely between the student, the Medical Review Officer and the vendor. The student's School will not become involved in the appeal of a positive drug screen.
- v. If, after review by the independent Medical Review Officer, there is no valid medical basis which would cause or contribute to the positive drug screen, the test results will stand, at which point the student will be referred to the School's Office of Student Affairs for disciplinary action in accordance with this policy and the School's written policies.

9. Confidentiality of Records

Drug screening reports and all records pertaining to the results are considered confidential information with restricted access to the extent allowed by law.

10. Readmission

- a. Any student who is withdrawn due to a positive drug screen without medical validation will only be eligible for readmission to any TTUHSC EL PASO program of study in accordance with the School's readmission policies.
- b. If accepted for readmission after the required period of time, the student must, at his/her own expense, provide a negative drug test and satisfactory documentation of completion of any remedial action required by the School.

11. Right to Change Policy

TTUHSC EL PASO reserves the right to change, modify, amend or rescind this policy in whole, or in part. at any time.

10. Credit by Exam

Specific credit by examination policies may be found in each of the Schools' catalogs and/or student handbooks; however, the Gayle Greve Hunt School of Nursing, and the Graduate School of Biomedical Sciences, do not offer Credit by Exam. Pass or fail grades earned on examinations for these courses will not be considered in determining grade-point averages. TTUHSC EL PASO Schools may elect not to accept credit by examination, where it is determined that such academic achievement may hinder the success on national licensure

exams/certifications.

## 11. Disabilities (Students)

TTUHSC EL PASO complies with HSCEP OP 10.15 (Americans with Disabilities Act) and HSCEP OP 77.14 (Establishing Reasonable Accommodations for Students with Disabilities) regarding the American with Disabilities Act (ADA), Section 504 of the Rehabilitation Act of 1973, and state and local requirements regarding students with disabilities. Under these laws, no otherwise qualified individual with a disability shall be denied access to or participation in services, programs and activities of TTUHSC EL PASO solely on the basis of the disability.

Any student seeking accommodations on the basis of disability must register with Disability Support Services (DSS) in the Office of Student Services. The process to request accommodations includes an application for services, appropriate documentation of the disability, and an intake interview with the Director of Academic and Disability Support Services.

Students with grievances related to discrimination on the basis of a disability should review the Institutional Student Handbook, Part IV on Anti-Discrimination policies and procedures. The grievance process would include the Director of Academic and Disability Support Services.

The application, documentation guidelines, grievance procedures, and other forms can be found on the Disability Support Services website: [elpaso.ttuhs.edu/student-services/disability-support-services](http://elpaso.ttuhs.edu/student-services/disability-support-services).

For more information, see HSCEP OP 10.15: American's with Disabilities Act ([http://elpaso.ttuhs.edu/opp/\\_documents/10/op1015.pdf](http://elpaso.ttuhs.edu/opp/_documents/10/op1015.pdf)) or HSCEP OP 77.14 Establishing Reasonable Accommodations for Students with Disabilities ([http://elpaso.ttuhs.edu/opp/\\_documents/77/op7714.pdf](http://elpaso.ttuhs.edu/opp/_documents/77/op7714.pdf))

## 12. Discrimination/Equal Opportunity

No person shall be excluded from participation in, denied the benefits of, or be subject to discrimination under any program or activity sponsored by TTUHSC EL PASO on any basis prohibited by applicable law, including but not limited to, race, color, national origin, religion, sex, veteran status or disability. Grievances related to discrimination on the basis of race, religion, national origin or age should be pursued through regular administrative channels. Academic problems are to be handled in the academic administrative structure culminating in review by the individual School's Dean. The individual Schools as noted in their Schools'

catalogs should direct non-academic student matters to the Office of Student Services. For more information, visit [www.TTUHSC EI Paso.edu/HSC OP 51.01](http://www.TTUHSC EI Paso.edu/HSC OP 51.01), Equal Employment Opportunity Policy and Affirmative Action Plan.

## 13. Employment Grievance

A student wishing to pursue a grievance concerning employment with the University and who has not found satisfaction or resolution with his or her immediate supervisor or the person in charge of that department may contact the Office of Equal Employment Opportunity in accordance with the grievance procedures outlined in the TTUHSC EL PASO OP 70.10, Non-faculty Employee Complaint and Grievance Procedures. The procedures manual may be reviewed in the Office of

## Equal Employment Opportunity.

### 14. Exams

Please refer to the individual School's catalogs for more specific exam details relating to your program. Any student seeking exam accommodations on the basis of disability must register as a disabled student with the ADA Compliance Office for Students in the Office of Student Services and must provide all required documentation of disability. Appropriate and reasonable accommodations, if any, will be determined by the ADA Compliance Office for Students in the Office of Student Services.

### 15. Financial Policies

Students must meet all financial responsibilities due the University. The writing of checks on accounts with insufficient funds, the non-payment or delinquent payment of outstanding loans, and failure to meet any other financial obligations to the University, (including failure to return Title IV funds), are considered a lack of financial responsibility. Financial irresponsibility can subject the student to action by TTUHSC EL PASO, including, but not limited to, denial of registration, withholding of grades and transcripts and possible adjudication under the Code of Professional and Academic Conduct. Generally, failure to meet financial obligations to the University may result in:

- a. Cancellations of the student's registration if tuition and registration fees are not paid by the 12<sup>th</sup> class day and 20<sup>th</sup> class day (4<sup>th</sup> class day and 15<sup>th</sup> class day in summer), or if a returned check given in payment of tuition and fees is not redeemed by that time;
- b. Loss of University check writing privileges and possible criminal prosecution for writing insufficient fund checks and for failure to pick up a returned check;
- c. A flag placed on a student's academic records preventing future registration (before registering or requesting a transcript, students may check on the presence of flags on their records by contacting the Office of the Registrar); and/or,
- d. Reporting of financial problems to a credit agency or a collection agent. For more information, please visit the Student Business Services website at [www.elpaso.ttuhs.edu/fiscal/businessaffairs/studentbusserv/](http://www.elpaso.ttuhs.edu/fiscal/businessaffairs/studentbusserv/)

### 16. Grades/Grading

- a. The instructor assigned to a course has the responsibility for determining a grade and for judging the quality of academic performance.
- b. The processing of formal appeal procedures is the responsibility of the School which administers the course. A copy of the grade appeal procedures may be found in the individual Schools' catalogs and/or handbooks. A student must file a formal written appeal within 5 days of the beginning of the next semester in accordance with the individual Schools' policy regarding student grade appeals. A grade can be formally appealed only when there is demonstrable evidence that prejudice, arbitrary or capricious action on the part of the instructor has influenced the grade. The burden of proof that such an unfair

influence has affected a grade rests with the student who appeals the grade. Only final course grades may be formally appealed to the responsible academic dean. Earlier grades and other academic grievances may be discussed with the instructor involved and with the chair of the department or division involved. **After a degree has been posted, no further adjustments can be made on the record except under extraordinary circumstances as determined by the Dean of the School the student is enrolled under.**

## 17. Graduation Procedures

- a. Degree requirements are published in the individual School's catalogs.
- b. Prior to graduation, all candidates for TTUHSC EL PASO degrees are required to:
  - i. Complete all graduation requirements set forth by the applicable School;
  - ii. Complete and return to the Office of Student Services the University's *Intent to Graduate* form in the semester before anticipated graduation (the student's "diploma name" as requested in the *Intent to Graduate* form is printed on her/his diploma, and information provided by the student is used in commencement programs);
  - iii. Be registered in the semester the certificate or degree is to be conferred unless the student is granted an exception by the dean of their school;
  - iv. Attend an Exit Interview session scheduled by the Student Financial Aid Office for students who have received financial assistance, which must be repaid after graduation.

## 18. Health Services and Health Insurance Information

- a. The Texas Tech Physicians at Hague provides health services to TTUHSC EL PASO students who are currently enrolled and have paid the Student Health Fees as part of tuition and fees. To receive health services, you must present a Student I.D. card at the time of the appointment. If you also have private insurance in addition to Student Health Services, you will need to submit your receipt for the co-pay to your insurance company for reimbursement.

*The Student Health Fee covers only those services provided by the Texas Tech Physicians at Hague and specific laboratory and radiology service performed at cooperating locations. **All other charges incurred are your responsibility.***

### b. Clinic Procedures

Please call to make an appointment. If you need to be seen for a sudden illness, please call that day as early as possible. If you need to be seen after hours, call the office at Hague and ask to leave a message for the on-call physician. When you check in, please inform the receptionist that you are a TTUHSC EL PASO student. If you come to the office without an appointment, it may be necessary for you to wait for a physician. Immunizations, paper work, and routine procedures are not ordinarily considered urgent care, and may not be taken care of on the same day as requested. If you have a health emergency that requires you to be seen at a hospital emergency room, go to the hospital listed as a provider on your insurance. *Visits to an emergency room that generate a charge from either TTUHSC EL PASO or the hospital are your responsibility.*



- c. If the student receives a bill from the Texas Tech Physicians at Hague for services covered by the medical service fees, please contact the Office of Student Affairs at (915) 215-4370.
- d. **Students are expected to have hospitalization insurance coverage for each semester enrolled. Students should be prepared to provide proof of coverage at the time of registration.**
- e. TTUHSC EL PASO will make available information on student health insurance providers for all registered students in the University. Students may investigate other insurance plans. Insurance information can be found on the Office of Student Services website at <http://elpaso.TTUHSC El Paso.edu/elpaso/studentervices/>

## 19. Interprofessional Education

All TTUHSC EL PASO students, regardless of school affiliation, will be required to complete a non-credit, online course in interprofessional education. Implementation of this requirement will vary across schools and degree programs. Students should consult their academic/program advisor and/or school catalog for additional information.

## 20. Notification of Student Death

The Office of Student Services is the Office of the Chancellor's liaison regarding notification of any student deaths. Schools must notify the Assistant Vice President for Student Services immediately in the event of any student death.

## 21. Program of Assistance for Students

Personal counseling services are available to all TTUHSC EL PASO students through the Program of Assistance for Students (PAS) Through the PAS, licensed counselors are available to assist students with all types of problems, including stress associated with academic, legal, or financial concerns; depression, anxiety, and/or other emotional problems; family and relationship issues; alcohol and drug abuse; and other mental health and wellness issues. For more information or to request assistance, please call 1-800-327-0328 or the 24-hour crisis line through the Emergence Health Network at (915) 779-1800. In the event of an emergency, the answering service will connect the student with the counselor who is on call. Through PAS, TTUHSC EL PASO students and their dependents are eligible to receive five free counseling sessions per year. Additional information about PAS services is published in a brochure that is available from student affairs personnel on all campuses and is also posted on the Office of Student Services website at the following address: <http://elpaso.TTUHSC El Paso.edu/elpaso/studentervices/>.

## 22. Student Emergency Contact Information

Students must keep their Emergency Contact Information current. To do so, visit WebRaider. TTUHSC El Paso.edu and sign in. Select the "MyTech (for Students)" tab and look in the "Personal Information" box. Click "Update Emergency Contacts" and fill in your information.

## 23. Student Publications



All aspects of TTUHSC EL PASO Student Publications shall be the responsibility of the President of the appropriate component institution and therefore under his/her direction.

#### 24. Registration

- a. Registration is coordinated by the Office of the Registrar in cooperation with the School in which the student enrolls. Tuition and fees are payable in full at the time of registration or immediately upon posting to a student's account, unless other arrangements have been completed. Registration for new students is completed as a step in the orientation process, or with the assistance of the Schools' Student Affairs or Coordinator's office.
- b. To be eligible for registration, the student must have been officially admitted as a new student, or officially readmitted following an absence, and must have satisfied all admission requirements, or must be a continuing student who is eligible to continue as a student at the University. Any student deemed ineligible due to academic, administrative or disciplinary sanctions will be barred from registration. **Students must provide all final transcripts to the Office of the Registrar by the end of the first semester in which they are enrolled or a hold will be placed preventing registration in future semesters.**

**\*See Student Record and Transcript Policy located at <http://www.TTUHSC El Paso.edu/registrar/documents/student.record.transcript.policy.pdf>**

- c. *Late Registration.* Students are expected to register at their earliest opportunity. A student who registers late is assessed a charge. Consult the Office of the Registrar for deadline dates for registration

#### 25. Religious Holy Days

- a. A student who intends to observe a Religious Holy Day should provide written notice, at the earliest possible date prior to the absence, to the following: (1) the instructor of each affected class and (2) the Director of Student Affairs of his/her School. A student will be excused from attending class(es), examinations, or other required activities for the observance of a Religious Holy Day, including travel for that purpose. A student whose absence is excused under this section will be allowed to take an examination or complete an assignment within a reasonable time and at the sole discretion of the instructor of record and/or the Director of Student Affairs before or after the absence.
- b. A student who is excused under the above provision may not be penalized for the absence; however, the instructor may appropriately respond if the student fails to satisfactorily complete the missed assignment or examination within the above-stated time.
- c. Any disputes regarding this policy should be submitted in writing to the TTUHSC EL PASO President or his/her designee. Any decision by the President or his/her designee regarding the dispute shall be final.
- d. This policy does not apply to any student absence for a Religious Holy Day, which

may interfere with patient responsibilities or patient care.

## 26. State Residency Classification

Students are responsible for registering under the proper residence classification and for providing documentation as required by the institution. If there is any question about the right to classification as a resident of Texas, it is the student's obligation, prior to the time of enrollment, to ask for an official determination by the Office of the Registrar. Non-residents who live in Texas taking only online courses are charged non-resident tuition and fees. An applicant whose classification as a resident of the State of Texas is not clearly established should request a Residency Questionnaire from the Office of the Registrar.

## 27. Tuition and Fees Installment Payment Options

- a. Texas Education Code, Section 54.007, provides that state-supported institutions of higher education shall provide students with the election to pay tuition and fees during the fall, spring, or long summer semesters in installments. TTUHSC EL PASO offers the following payment alternatives:
  - i. Full payment of tuition and fees in advance of the beginning of the semester; or
  - ii. One-half payment of tuition and fees in advance of the beginning of the semester and separate one-fourth payments prior to the sixth and eleventh class weeks, respectively.
- b. TTUHSC EL PASO shall develop procedures that will provide that students may elect to pay tuition and fees using the payment alternative.
- c. TTUHSC EL PASO is authorized to establish payment due dates in advance of the beginning of a semester and prior to the sixth and eleventh class weeks respectively so that required payments have been received and student records have been appropriately updated on the dates required by law.
- d. If a student elects to pay tuition and fees using the payment alternative, he or she shall be assessed an installment option fee in addition to the required payment of tuition and fees. The fee developed and recommended for approval shall reflect all costs incurred in operating and handling payments under the installment alternative. The rates of the fee shall be approved by the Board of Regents.
- e. If a student who has elected to pay tuition by installment fails to pay in full all amounts of tuition, other registration fees, installment option fee, late payment fees, and other authorized fees by the end of the business day of the last day of the semester, then he or she will be dropped from School for failure to pay.
- f. TTUHSC EL PASO shall develop procedures so that students are notified of the requirements, provisions, and penalties of the installment payment options.
- g. Annual Approval of Student Fees: The Board of Regents shall approve the assessment and collection of fees from Texas Tech University Health Sciences Center El Paso (TTUHSC EL PASO). The amounts to be collected are presented in a Global Fee Document to the Board of Regents annually for approval.

## 28. Tuition and Fees Refund Policies

### Withdrawal / Refund Policies

#### Refund Policies (Institutional and Title IV Withdrawal / Refund Policies)

Detailed information about the impact of decreasing course load on:

- ✓ Institutional Refund Policy - All students who withdraw from TTUHSC EL PASO or drop all courses during a term
- ✓ Additional considerations for students who received financial aid and withdraw from TTUHSC EL PASO or drop all courses during a term

#### Institutional Refund Policy

Refund Policies for Tuition and Fees. Texas Education Code, Section 54.006, provides the amount of tuition and fees to be refunded to students who drop courses or withdraw from the institution. Class day count is based on the official institution calendar for the school, not the specific course dates.

Students who drop a course, but remain enrolled at the institution will be refunded at the following rate:

Term	Class Day	Percent of Refund of Charges
<b>Summer - More than 5 weeks but less than 10 weeks in duration</b>	1st class day through 4th class day	100%
	After the 4th day of class	None
<b>Fall, Spring or Summer - Duration of 10 weeks or longer</b>	1st class day through 12th class day	100%
	After the 12th day of class	None

Students who withdraw from the institution (zero semester credit hours) are required to pay tuition and fees according to the following schedule based on their official withdrawal date:

Term	Class Day	Percent of Refund of Charges
<b>Summer - More than 5 weeks but less than 10 weeks in duration</b>	Before the 1st class day	100%
	1st, 2nd, or 3rd class day	80%
	4th, 5th, or 6th class day	50%

	7th class day of later	None
<b>Fall, Spring or Summer - duration of 10 weeks or longer</b>	Before the 1st class day	100%
	1st five class days	80%
	2nd five class days	70%
	3rd five class days	50%
	4th five class days	25%
	21st class day and after	None

### **Students who withdraw from TTUHSC EL PASO or drop all courses during a term that receive(d) financial aid**

It is important for students who receive financial aid and withdraw or drop all courses during the term to be aware of the refund policies and to understand the impact they will have on the aid released and the continued financial aid eligibility. Current refund policies for students who withdraw or drop all courses during a term are determined by the Higher Education Title IV refund regulations.

Any refund due to a student will be after calculation of the amount of tuition and fees due at the time of withdrawal. If the student has paid less than the amount due at the time of withdrawal, the student will be required to pay the percentage due.

Federal Refund and Repayment calculations must be performed for students who receive Title IV (Pell, FSEOG, Perkins and/or Stafford Loans) funds and officially withdraw from all courses, drop out of all courses, are expelled, take an unapproved leave of absence, or fail to return from an approved leave of absence prior to the 60% date of the term. All "unearned aid" must be returned to the federal aid programs as determined by the Federal Refund and Repayment calculations. Failure to return Title IV funds constitutes a failure to meet a financial responsibility due to the University which is subject to any of the actions stated in section 15.

- a. The requirements for Title IV program funds are separate from the university refund policy. As such, you are responsible for unpaid institutional charges remaining after the refund calculation. You are also responsible for charges/balances created by the returning of Title IV program funds that the school was required to return.
- b. If you have questions about your Title IV program funds, you can call the Federal Student Aid Information Center at 1-800-4-FEDAID(1-800-433- 3243). TTY users may call 1-800-730-8913. Information is also available on Student Aid on the Web at <https://studentaid.ed.gov/sa/>.

In order to keep all the financial aid issued in each term, students must be enrollment for at least 60% of the term. After this point in the term students have earned 100% of the Title IV funds released for the term. Therefore, it is in your best interest to maintain attendance and complete at least one class each term that you receive federal aid to avoid repayment of funds

How the calculation works:

1. Number of days attended ÷ Days in semester = % of semester completed
2. Total \$ disbursed X % completed = Earned \$

### 3. Total \$ disbursed - Earned \$ = \$ to be returned

Once it is determined that you owe money back to any of the federal aid programs, you will be ineligible to receive further federal aid at TTUHSC EL PASO or any other institution, until this debt is cleared.

Please note, your failure to complete a semester or term could impact your Satisfactory Academic Progress and your future eligibility for financial aid. To remain eligible for financial aid, a student must maintain satisfactory academic progress. This consists of three categories: (1) grade point average on hours attempted (qualitative), 2 hours successfully completed (quantitative) based on hours enrolled and (3) time to degree. You must complete your program of study within 150% of the normal time required for the program.

You can find more detailed SAP information here: [www.TTUHSC EI Paso.edu/financialaid](http://www.TTUHSC EI Paso.edu/financialaid).

## 29. Academic Support

Academic support services are available to all TTUHSC EI Paso students through the Program of Academic Support and Assistance (PASE). The PASE program offers several features such as learning assessments, remedial advisement, board preparation, workshops, tutoring services, and individual learning and study assistance in areas of time management, stress management, test taking, note taking, reading and general study skills. The PASE program is led by the Director of Academic and Disability Support Services. Information on the PASE program can be found on the Student Services website: <http://elpaso.ttuhs.edu/studentservices/academicsupport.aspx>

## 30. Student Government Association

The Student Government Association (SGA) promotes, directs and coordinates student activities at Texas Tech University Health Sciences Center El Paso (TTUHSC El Paso). The executive council and senators are elected from each of the three schools and act to voice student concerns to the TTUHSC El Paso Faculty and Staff and encourage interdisciplinary communication and participation among the individual schools that compose TTUHSC El Paso. The office of Student Services provides administrative support for SGA.

## **PART XI. STUDENT COMPLAINT OR GRIEVANCE POLICIES AND PROCEDURES**

The following narrative summarizes TTUHSC EL PASO's student complaint or grievance policies and procedures. Links to specific policies and procedures are provided on the Student Services website: <http://elpaso.TTUHSC EI Paso.edu/elpaso/studentservices/>

It is the policy of the Texas Tech University Health Sciences Center El Paso to affirm the right of its students to a prompt and fair resolution of a complaint or grievance involving allegations of inappropriate behavior by other TTUHSC EL PASO students or by TTUHSC EL PASO personnel toward students. Policies and procedures exist for the following areas of student complaints:

- Complaints regarding the general or academic misconduct of another student
- Complaints regarding discrimination

- Complaints regarding student records
- Complaints regarding employment at TTUHSC EL PASO
- Complaints regarding grades or grading
- Complaints regarding other types of mistreatment
- Other institutional-level student complaint procedures

#### **A. Complaints regarding the general or academic misconduct of another student**

Policies and procedures governing complaints regarding the general or academic misconduct of students are defined in the Code of Professional and Academic Conduct (Student Code), which is published as Part II of this handbook. Students, faculty, and staff are all encouraged to report violations of the Student Code in accordance with the Disciplinary Procedures outlined in the Student Code.

#### **B. Complaints regarding discrimination**

This handbook identifies several policies intended to ensure the fair and equitable treatment of all members of the university community. The processes for filing complaints are detailed in the TTUHSC EL PASO Operating Policies and Procedures. The following list identifies key institutional policies governing complaints regarding discrimination:

- HSCEP OP 10.15, Americans with Disabilities Act
- HSCEP OP 51.01, Equal Employment Opportunity Policy and Affirmative Action Plan

#### **C. Complaints regarding student records**

HSCEP OP 77.13, Student Education Records, provides detailed information about filing complaints relating to student records.

#### **D. Complaints regarding employment at TTUHSC EL PASO**

Information about employment grievances for students who are employed at TTUHSC EL PASO is provided in HSCEP OP 70.10, Non-faculty Employee Complaint and Grievance Procedures. This policy covers complaints concerning issues pertaining to wages, hours, working conditions, performance evaluations, merit raises, job promotions, job assignments, or similar matters involving management decisions concerning the employee.

#### **E. Complaints regarding grades or grading**

The processing of formal grade appeal procedures is the responsibility of the school that administers the course. Relevant school policies are listed below:

- Paul L. Foster School of Medicine: Challenging Student Records or Grades
- Gayle Greve Hunt School of Nursing: Academic Grade Challenges/Appeals



- Graduate School of Biomedical Sciences: Grade Appeals
- 

## **F. Complaints regarding other types of mistreatment**

Students who feel that they have been mistreated in a manner that is not directly addressed by any of the specific policies identified above are encouraged to refer to the policies and procedures governing student complaints, grievances, and appeals within their school. Relevant school policies include the following:

- Paul L. Foster School of Medicine: Appropriate Treatment of Medical Students; Student – Faculty Dispute Resolution Policy; Student-Student Dispute Resolution Policy
- GGHSON : Academic Grade Challenges/Appeals and Complaint or Grievance Resolution (Non-Grade Related)
- Graduate School of Biomedical Sciences: [Procedure for Grade and Non-Grade Complaints](#)

Students should process their complaints or appeals through the appropriate channels. Procedures are delineated in the policies identified above. Students are required to bring their concerns to the designated student affairs officer of their school. The student affairs officer in each school is as follows:

- Paul L. Foster School of Medicine in El Paso: Associate Dean for Student Affairs
- Gayle Greve Hunt School of Nursing: Associate Dean for Academic Programs
- Graduate School of Biomedical Sciences: Dean

The deans of the schools have final authority in resolving disputes related to academic issues, such as grading and promotion, and in non-academic issues involving the school's faculty and staff.

Every effort should be made to resolve complaints against faculty and other school personnel at the school level. If the complaint is about personnel or services at the institutional level, the student is advised to contact the TTUHSC EL PASO Office of Student Services in accordance with the following institutional-level student complaint procedures. These procedures are also published on the Office of Student Services website.

## **G. Other Institutional-Level Student Complaint Procedures**

The procedures defined below apply to student complaints that fall outside the scope of other institutional and school-based policies and procedures governing specific types of student complaints (Student Complaint or Grievance Policies and Procedures), including, for example, student complaints against staff members employed at the institutional level or against TTUHSC EL PASO administrators. The TTUHSC EL PASO Office of Student Services will administer this institutional policy and will insure that due process is afforded to all concerned.

### **1. Early Resolution**



Prior to contacting the TTUHSC EL PASO Office of Student Services, the student shall attempt to resolve the issue with the individual(s) involved. If the student is not satisfied with the outcome after meeting with the individual or does not feel comfortable talking to the administrator or staff member involved, the student may contact the Assistant Vice President for Student Services. The student shall address the issue and initiate action under this policy within 30 days of the event-giving rise to the complaint.

The Assistant Vice President for Student Services may counsel the student to discuss the issue with the involved administrator or staff member. If the student does not feel comfortable talking to the person involved, the Assistant Vice President for Student Services will investigate the complaint, attempt to reconcile differences, and propose a solution. The Assistant Vice President for Student Services will provide a written statement of his or her recommendation to all parties within ten working days following the initial receipt of the student's report of the complaint. All involved parties will then have ten working days to respond. Every effort should be made to resolve the issue without going beyond this level. The Director of Student Services will attempt to facilitate a resolution before proceeding with a hearing, as described below.

(If the complaint is against the Assistant Vice President for Student Services, the student should meet with the Vice President for Academic Affairs, who will follow the procedures outlined here.)

## 2. Filing a Hearing Request

a. If the student is not satisfied with the recommendation of the Assistant Vice President for Student Services, he/she may file a request for a hearing by submitting a written complaint to the Assistant Vice President for Student Services. The hearing request must include a specific statement of the student's complaint, an explanation of what remedy the student seeks, and a copy of the Assistant Vice President for Student Services' recommended resolution.

b. If the student files a request for a hearing, a Student Hearing Committee as defined below must convene within 15 working days.

## 3. Hearing Procedure

Upon receipt of a written request for a hearing, the Assistant Vice President for Student Services will appoint a Hearing Committee according to the following procedure:

a. Each party will propose in writing a list of four TTUHSC EL PASO faculty, staff, and/or students to serve on the Hearing Committee. The Assistant Vice President for Student Services will contact one person from each list in order of the submitting party's preference to determine the person's willingness to serve. Through this process, one person will be selected from each list. The two people selected will then select a third member (a TTUHSC EL PASO faculty or staff member) and these individuals will comprise the Hearing Committee. This group will select a chair from among themselves.

b. The Assistant Vice President for Student Services will provide technical assistance and support to this committee.

c. As soon as the hearing is scheduled, the chair of the Hearing Committee will send a written notice to all involved parties. The notice will specify the time, place, and nature of the hearing, plus a brief description of the complaint. The notice will also confirm the right of all involved parties to present witnesses and evidence and to be accompanied by counsel for advisory purposes only.

d. At least three days prior to the hearing, all parties will provide to the chair of the Hearing Committee and the Assistant Vice President for Student Services a list of the names of any witnesses or counsel who will attend the hearing. If the student will be represented by counsel, the University may be represented by the Office of General Counsel. The student and the involved individuals(s) shall have access to all information to be considered by the Hearing Committee, including the names of all persons giving evidence.

e. The student and the involved parties shall attend the hearing and be offered an opportunity to state their positions and present testimony and other evidence relevant to the case. The responsibility of establishing the validity of the complaint rests with the student.

f. The Hearing Committee chair shall keep a recording of the hearing, which shall include date, time, and location of the hearing, names of those present, and any evidence introduced (e.g., records, written testimony, duplicated materials).

#### 4. Committee Decision

a. After completion of the hearing, the Hearing Committee shall meet in closed session and prepare a written recommendation. Copies of the Hearing Committee chair's report shall be forwarded to the involved parties within five working days.

b. The appeal must be made, in writing, within five working days, to the Vice President for Academic Affairs.

c. The Vice President for Academic Affairs will review the complaint resolution and render a decision within five working days. The decision of the Vice President for Academic Affairs is final.

d. If the Vice President for Academic Affairs is serving as a mediator in the case, then the President or his designee will review the complaint resolution and render a decision within five working days. The decision of the President is final.

**PART XII. CONTACT INFORMATION FOR STUDENT SERVICES PERSONNEL**

Deputy Title IX Coordinator for Students	(915) 215-4786
Title IX Coordinator for TTUHSC EL PASO	(915) 215-4140
Student Business Services	(915) 215-5723
Office of Student Services	(915) 215-4370
Office of Student Financial Aid	(915) 215-4370
Office of the Registrar	(915) 215-4370
Graduate School of Biomedical Sciences	(915) 215-4157
Gayle Greve Hunt School of Nursing Student Affairs	(915) 215-6124
Paul L. Foster School of Medicine Student Affairs	(915) 215-4370

**TEXAS TECH UNIVERSITY HEALTH SCIENCES  
CENTER EL PASO (TTUHSC EL PASO)**

**Student Grievance Form**

This form is to be used for an official grievance (as described on the website: <http://elpaso.ttuhschool.edu/student-services/grievance.aspx>) that involves a student who is enrolled at TTUHSC El Paso. The student(s) could be the accused or the complainant. Please use this form if you have a grievance about a faculty, staff, student or student organization for alleged violations of the Code of Professional and Academic Conduct (referred to as the "Student Code") in the TTUHSC El Paso Institutional Student Handbook. This form is to be submitted to the Assistant Vice President for Student Services at TTUHSC El Paso. A separate form must be completed for each individual or student organization accused of violations of the Student Code. *{Please note that students who are challenging a grade (grade grievances) are not covered. This is under the individual school.}*

Please complete the following:

Name of Accused Faculty/Staff/Student/Registered Student Organization:

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School, Department and Program of Accused (*if known*):

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List the course name, number, and section (*if applicable*) in which the alleged misconduct occurred.

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Please provide a clear and concise explanation of the circumstances of the grievance. Include all relevant information, including, but not limited to, the name of the person(s) who witnessed the incident(s) and where the incident(s) occurred. Use additional pages if necessary. Please attach relevant supporting documents, e.g., copy of assignment, source of plagiarism, etc.

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Date of discovery of alleged violation (*please report within 20 business days of discovery*):

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Date of alleged violation (*if different from above*):

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Please cite the Student Code(s) and the provision(s) of such code(s) that the Accused allegedly violated.

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What remedy are you seeking for your complaint (e.g., if cheating, reduction of grade for particular work and/or class; warning, probation, suspension, dismissal, restitution, etc.)?

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I certify that all information provided herein is accurate and complete.

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Printed Name

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Complainant Date

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Complainant's Signature

**Complainant's Contact Information:**

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**Address – Email – Phone Number**

*The following notice is provided in accordance with Texas Government Code § 559.003(a) of the Texas Government Code: (1) with few exceptions, you are entitled on your request to be informed about the information TTUHSC El Paso collects about you; (2) under Sections 552.021 and 552.023 of the Texas Government Code, you are entitled to receive and review the information; and (3) under Section 559.004 of the Texas Government Code, you are entitled to have TTUHSC EL PASO correct information that is incorrect in accordance with TTUHSC El Paso policies and procedures.*

**Please Email Completed Form to Kathryn Horn, M.D. at [Kathryn.Horn@ttuhsc.edu](mailto:Kathryn.Horn@ttuhsc.edu)**

**TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER EL PASO**

**(TTUHSC EL PASO)**

**Sexual Misconduct Form**

*Please fill out the following to the best of your ability, and do not hesitate to contact university administrators if you have questions or if you would like to make a report in person. We are here to help. You can contact us from 8 a.m. - 5 p.m. at (915) 215-4786. You will be contacted within 24 hours of receipt of this report to discuss. If it is after hours and you need immediate assistance, please contact the Texas Tech Police Department at (915) 215-7111*

Please complete the following:

Your Full Name: \_\_\_\_\_

Your Phone Number: \_\_\_\_\_ Your Email Address: \_\_\_\_\_

Type of Complaint: (circle one) Sexual Assault  Sexual Harassment   
 Sexual Voyeurism (“peeping tom”) other form of Sexual Misconduct

Urgency of this Report: I’m reporting an incident  I’m in fear of imminent harm (myself or others)

Date of Incident: \_\_\_\_\_ Time of Incident: \_\_\_\_\_

Location of Incident: \_\_\_\_\_

Name of Involved Individuals: \_\_\_\_\_

Please provide a R# for student(s) involved or SSN/Driver’s License number if a non-student(s) if available.

*In order for TTUHSC EL PASO to effectively investigate the incident, we need to know as much about what happened as possible. The information you provide will be kept confidential and shared only with necessary and essential student affairs administrators. During the course of the investigation process, this information may be shared with the alleged perpetrator. However, this will not occur without first consulting the victim as to his or her preferred approach to handling the situation.*

Describe the incident(s) or event(s), including date, times, locations, and any potential witnesses to the behavior. Please include as much detail as possible.

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If you are the victim of misconduct, please describe how you would prefer the University to respond to the situation. (You will not be held to this response, it just gives us a starting point).

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*If you have any pictures, video, email or other supporting documents of this misconduct please include it with this form and turn it into the Office of Student Services.*



**TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER EL PASO (TTUHSC EL PASO)**

**Student of Concern Form**

*IF THIS IS AN EMERGENCY, PLEASE CALL 911 or TEXAS TECH UNIVERSITY POLICE DEPARTMENT AT (915) 215-7111 Texas Tech strives to protect the reporter’s confidentiality, whenever possible. Additionally, a report may be completed anonymously by omitting the reporter’s name and contact information from the form (completing the items with an asterisk). Reporters should be aware, however, that this may restrict the team from completing a thorough investigation.*

Please complete the following:

Your Full Name: \_\_\_\_\_

Your Phone Number: \_\_\_\_\_

Your Email Address: \_\_\_\_\_

Date of Incident: \_\_\_\_\_

Time of Incident: \_\_\_\_\_

Location of Incident: \_\_\_\_\_

Name of Involved Individuals/Organization: \_\_\_\_\_

Please provide an R# for student(s) involved or SSN/Driver’s License number if a non-student(s) if available.

\_\_\_\_\_

**Distress Concern** (Circle all applicable)

- Grief                      Homicidal Ideation                      Suicidal Ideation                      Suicide
- Wellness                      Other

**Actions Against Others** (Check all applicable boxes)

- Disruptive Conduct                      Threatening or Endangering Conduct                      Sexual Misconduct
- Discriminatory Harassment                      Hazing                      Retaliation                      Other

**Health** (Check all applicable boxes)

- Medical                      Alcohol and Drugs                      Mental Health Concerns                      Other

**Description/Narrative** - Please describe in details the behaviors you have observed and any action steps you have taken in assisting with these behaviors.

\_\_\_\_\_

\_\_\_\_\_

*If you have any pictures, video, email or other supporting documents of this misconduct please include it with this form and turn it into the Office of Student Services.*



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*If you have any pictures, video, email or other supporting documents of this misconduct please include it with this form and turn it into the Office of Student Services.*